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Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

July 6, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

SOCIAL WELFARE BOARD

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WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached hereto are three copies of regulation, currently effective, made by the State Department of Social Welfare.

This regulation is filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very sincerely yours,

Marta A. Chickering.

MARTHA A. CHICKERING, Director
Department of Social Welfare

1943 JUL 8
AM 10 52

Attachments
172:786

FILED
In the office of the Secretary of State
of the State of California
JUL 9 - 1943
FRANK M. JORDAN, Secretary of State
By *Chas. J. Taggart* Deputy

FOR VICTORY



EARL WARREN
Governor

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DAVID HEWES BLDG.
995 MARKET STREET

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento

June 23, 1943

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEO
922 J. STREET
MODESTO

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LINDSAY

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MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

EDWARD J. MURPHY FEDERO
XXXXXX

HEBER JAMES BROWN
1419 BROADWAY
OAKLAND

DEPARTMENT BULLETIN NO. 212

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: Aid to Needy Children -
Eighteenth Birthday

Under Senate Bill No. 566, Ch. 456 St. 1943, effective August 4, 1943, Aid to Needy Children may be paid for the full month in which a child reaches the age of eighteen years, except when the birthday occurs on the first day of the month.

If the eighteenth birthday occurs on the first day of the month, the child is not eligible for that month.

If the eighteenth birthday occurs on August 4, 1943, or thereafter aid may be paid and reimbursement claimed for the full month. If, however, the eighteenth birthday is before August 4, 1943, aid may be paid and reimbursement claimed up to but not including the eighteenth birthday.

Examples: 1. Aid to Needy Children is being paid at the rate of \$20.00 per month. The child becomes eighteen on August 4. Aid may be paid in the amount of \$20.00 and reimbursement claimed for the full month.

2. Aid to Needy Children is being paid at the rate of \$20.00 per month. The child becomes eighteen on August 3. Aid may be paid and reimbursement claimed for 2 days, (2/31 of \$20.00) or \$1.29.

All sections of the Manual of Policies and Procedures effected by this new law will be revised as soon as administratively possible.

(Authority Ch. 456, Statutes 1943)

Very sincerely yours,

MARTHA A. CHICKERING
MARTHA A. CHICKERING, Director
Department of Social Welfare

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Department of Social Welfare

MISS MARTHA A. CHICKERING

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Sacramento

July 8, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

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IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached hereto are three copies of regulations,
currently effective, made by the State Department
of Social Welfare.

These regulations are filed in accordance with
Article 21 of Chapter 3 of Title 1 of Part 3 of the
Political Code as amended by Chapter 628, Statutes
of 1941.

Very sincerely yours,

Marta A. Chickering.

MARTHA A. CHICKERING, Director
Department of Social Welfare

Attachments
172:786

1943 JUL 8 PM 2 49

FILED
In the office of the Secretary of State
of the State of California
JUL 9 - 1943
FRANK M. JORDAN, Secretary of State
By *Chas. or. tatey* Deputy

FOR VICTORY



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995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
June 25, 1943

SOCIAL WELFARE BOARD
ARCHIBALD B. YOUNG, CHAIRMAN
808 S. SAN RAFAEL AVENUE
PASADENA

MRS. MARY E. BARKWILL
ROUTE 1, BOX 55
LINDSAY

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JOHN C. CUNEO
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MODESTO

HEBER BROWN
1419 BROADWAY
OAKLAND

DEPARTMENT BULLETIN NO. 214

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: OAS, ANB, and APSB
Income

The following policies were adopted by the Social Welfare Board on June 23, 1943, to become effective July 1, 1943.

Occupancy Value of Homes Owned by Recipients

The maximum of value of occupancy to the recipient shall be \$8 per month. The Table (as set forth in the Manual of Policies and Procedures, Section 152-10) shall specify \$8 as occupancy value for homes of an assessed value of \$2501 to \$3000 or over.

Value of Contributions in Kind

The value placed upon rent, utilities and food in kind received by an applicant may not be in excess of an amount which will permit the recipient to meet his other needs, including clothing, incidentals, transportation, etc. While due consideration shall be given to the value of the item of need which is received in kind the value so placed in non-budget cases shall not exceed \$15 for rent and utilities, \$17 for food, and \$32 for room and board. These represent ceiling limits, and if in the individual case it is determined that the value of the item is less, that lesser amount is to be used.

Appropriate sections of the Manual of Policies and Procedures will follow as soon as administratively possible.

Very sincerely yours,

MARTHA A. CHICKERING
MARTHA A. CHICKERING, Director
Department of Social Welfare

(Authority: Sec. 2020 and 2140,
Welfare and Institutions
Code)

(Authority: Sec. 1560, Welfare and Institutions Code)

Attachment

Department of Social Welfare
MARTHA A. CHICKERING, Director

Very sincerely yours,

The attached rules and regulations pertain to new and amended sections. All existing rules and regulations which are in conflict with them are cancelled effective August 4, 1943. Bullying in the Manual of Policies and Procedures will be changed and the revised Manual sections will be issued as soon as administratively possible.

The Aid to Needy Children Law has been amended by Chapter 444, 456, 728, 768 and 840, Statutes of 1943. All changes become effective August 4, 1943. All actions of the boards of superintendents and trustees of charitable organizations and notices of change on or after August 4, 1943, shall be in accordance with these amendments.

August 4, 1943, Amendments

Subject: Aid to Needy Children

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

DEPARTMENT BULLETIN NO. 217

I N D E X

CODE SECTION	NUMBER OF BILL	CHAPTER NUMBER	PAGE
1500	S.B. 566	Ch. 456, Stats. 1943	1
1521.5	A.B. 1113	Ch. 728, Stats. 1943	1
1522	S.B. 566	Ch. 456, Stats. 1943	1
1526	S.B. 690	Ch. 840, Stats. 1943	1
1529	S.B. 565	Ch. 768, Stats. 1943	3
1550	A.B. 1474	Ch. 444, Stats. 1943	5
1552.3	S.B. 566	Ch. 456, Stats. 1943	9
1600	A.B. 1114	Ch. 701, Stats. 1943	9

SECTION 1500. This section has been amended to read:

"As used in this chapter, 'needy children' means the following needy persons: Orphans, half-orphans, abandoned children, children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation."

The words "under the age of 18 years" have been deleted from this section to permit payment of aid to the end of the month in which the child becomes 18. (See Also Section 1522 and Section 1552.3)

SECTION 1521.5

"A child's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property for the purpose of this chapter."

This section incorporates into the Code the existing Department ruling providing that property in an undistributed estate shall be considered property only when the property is available prior to distribution of the estate. (See Manual of Policies and Procedures, Sections 132-52 and 144-10.)

SECTION 1522.

"Except as provided in Section 1552.3, no child over the age of 18 years is a needy child within the meaning of this chapter."

The words: "Except as provided in Section 1552.3" have been added to this section to permit payment of aid to the end of the month in which the child becomes 18. (See also Section 1500 and Section 1552.3)

SECTION 1526. This section has been amended as follows:

1. As amended, Subdivision (c) reads:

"If the residence of the child is not determined under subdivisions (a) and (b) hereof, then the residence of any individual who has been appointed legal guardian determines the residence of the child; if the child is a ward of the juvenile court, the county in which the court is located shall be considered the residence of the child."

The last two lines are new: ". . . if the child is a ward of the juvenile court, the county in which the court is located shall be considered the residence of the child." Under this provision, if the residence of the child is not governed by

the parent or guardian, and the child is a ward of the court, his residence is the county in which the court is located. The person to whom care and custody is awarded by the court, therefore, no longer governs the residence of the child.

Example: (a) Children are half orphans. Whereabouts of surviving parent cannot be determined. Children have no guardian but are wards of the court in County A; juvenile court order places children in care and custody of a relative living in County B. For purposes of ANC, county residence of the children is County A.

Example: (b) Family resided in County A where children were made wards of court and placed in boarding homes within the county. Subsequently, father dies and mother establishes residence in County B. Application for ANC is made in County B. Even though wardship remains in County A, for purposes of ANC, children have residence in County B since subdivision (b) continues to govern.

2. As amended Subdivision (e) reads:

"If the residence of the child is not determined under Subdivisions (a), (b), (c), or (d) hereof, and the child has been placed in an institution or boarding home by a public agency, the county in which the child has residence at the time of such placement shall be considered the residence of the child until his residence can be determined under Subdivisions (a), (b) or (c) of this section."

It should be noted that Subdivision 1526 (e) no longer refers to physical presence of the child. (See new subdivision (f).) The former Subdivision (e) has been replaced by this new provision which states that the residence of a child who has been placed in an institution or boarding home by the county and whose residence is not governed by Subdivisions (a), (b), (c) or (d) is that of the county in which the child had residence at time of such placement until or unless his residence can be determined under Subdivisions (a), (b), or (c) of Section 1526.

Example: Family resided in County A. Mother died and father's whereabouts became unknown. County A placed child in an institution in County B, located father and secured support. Subsequently father disappeared and it was necessary to apply for ANC. For purposes of ANC, the residence of the child remains County A until and unless his residence can be determined under Subdivision (a) or (c).

3. Subdivision (f) replaces former Subdivision (e):

"If the residence of the child is not determined under (a), (b), (c), (d) or (e) hereof, the county in which the child is living shall be deemed the county of residence, if and when the child has had a physical presence in the county for one year. The county may accept an application in the case of a child living with a relative who does not have legal custody or the county, itself, shall file an application for aid on behalf of the child and also be responsible for its share of the child's support. This subdivision does not apply to a child for whom an application is made under Section 1557.

4. Former Subdivision (f):

"If the child has been declared permanently free from the custody and control of his parents, his residence is the county in which the court issuing the order is situated."

has been repealed as it is now covered by Subdivision (c).

SECTION 1529. This new section added to the Welfare and Institutions Code reads:

"No child shall receive aid under this chapter while he is an inmate of a public hospital except with respect to temporary medical or surgical care not exceeding two calendar months, in which event the child shall be eligible to receive not to exceed two monthly warrants after becoming such inmate."

Rewrites to Manual Section 162-00 "Eligibility of Public Institution Inmates" and Section 164-40 "Eligibility for Temporary Medical Care" which provided that aid should be discontinued effective as of the last day of the month in which child entered the public hospital, will be issued as soon as administratively possible.

Under the new provision, and in accordance with Attorney General's Opinion NS4700, if the child has not been confined to the hospital for more than two calendar months prior to the first of the month for which payment is due, his care shall be considered as temporary medical or surgical care, irrespective of the probable period during which he may remain in the hospital and, except for the child in the boarding home or institution, aid shall be paid. However, if two calendar months have elapsed since the child was admitted, aid shall be discontinued effective the end of the second calendar month. The child receiving care in a boarding home and institution is eligible to receive ANC for the two calendar months. The actual payment will depend upon the individual case and remain in the area of discretion of the county.

Example: Child admitted to county hospital on August 10. Even though it may be known that the child will probably remain in the hospital for many months, aid is payable for September and for October because on the first of either month he had not been in the hospital for two calendar months. Aid is discontinued for the child October 31, 1943.

When the child enters the hospital on the first day of the month, the aid shall be discontinued effective as of the last day of the next calendar month, irrespective of the probable period during which he may remain in the hospital.

Example: Child admitted to county hospital September 1. Aid is payable for September and October. It is not payable for November because on November 1 the child had already been in the hospital for two calendar months. Aid must be discontinued for the child October 31, 1943.

Any child in a hospital on August 4, and who was admitted July 20 or subsequent thereto may still be in receipt of ANC in accordance with the 20th of the month policy as set forth in Department Bulletin 187. If such child remains in the hospital in receipt of temporary medical or surgical care, he may continue to receive aid until the end of the second calendar month following that in which he was admitted to the public hospital.

Example: Child admitted to hospital July 28 and remained there through the month of September. It was administratively impossible to discontinue aid for the child on July 31. Reimbursement for August would be permitted under the provisions of Bulletin 187. In accordance with the provisions of Section 1529, reimbursement would also be allowed for the month of September.

Social Security Board policy allows reimbursement for aid paid for a child receiving medical or surgical care in a public institution only until the end of the month following the month in which the child was admitted to the hospital unless a determination has been made that the hospitalization was for a temporary period, in which case Federal reimbursement will be allowed for the two monthly payments following admission to the hospital. In the first example under this section, Federal reimbursement would be available for the month of September but not for the month of October, since a determination was made that the child would probably remain in the hospital for many months.

To determine whether Federal funds may be claimed for the full period, a determination regarding the probable period of hospitalization shall be made immediately upon receipt of notification that a child has entered the county hospital.

When aid is discontinued for a child because of hospitalization for more than two calendar months, the Notice of Change Form CA 232 submitted to the State Department of Social Welfare must show at the bottom of Section II the results of the determination as to the probable period of hospitalization, e.g. "Hospital care was determined to be probably temporary" or "Hospital care was determined to be probably for more than two calendar months."

Section 1550.

The following has been added to this section:

"The county shall have a period of 90 days after the date of application within which to determine whether or not the child is eligible for aid. If the investigation is not completed at the end of the 90-day period, the investigation shall continue until completed, and if eligibility is established, aid shall begin as of the first day of the month in which the end of the 90-day period occurred."

This provision for the first time sets a limitation on the period of time allowed for completion of investigation in ANC.

As provided in Section 201-00 of the Manual of Policies and Procedures, the application shall be signed by the applicant and acknowledged before a properly qualified official as soon as administratively feasible and not later than the time of the first interview unless the applicant appears to be definitely ineligible under the law, is convinced that he does not qualify for aid, and does not desire to continue with the application.

As provided in Manual Sections 230-05 and 250-00, the county shall promptly investigate all applications, and applications shall be considered by the board of supervisors at the first meeting for consideration of such applications subsequent to receipt of the report made to them by their designated representative. (Manual Section 230-05 and other applicable Manual sections will be revised in accordance with the amended code provision.)

I. 90-Day Investigation Period.

The day following that on which the application is signed represents the first day of the investigation period. When the 90th calendar day falls on a Sunday, or other legal holiday, the following day is considered the 90th day. The final step in the investigation procedure is the action by the board of supervisors granting or denying the application.

II. Beginning Date of Aid.

A. Investigation Completed Within the 90-day Period.

When the application is granted by the board of supervisors before the end of the 90-day period, the aid is effective from the first of the month in which the application is granted except that aid shall not be paid prior to the date of application.

Example:(1) Application is signed September 5. The application is granted on September 25, and aid is effective from September 5.

Example:(2) Application is signed October 27. The application is granted December 24. Aid begins December 1.

B. Investigation Exceeds 90-day Period.

When investigation is completed by action of the board of supervisors subsequent to the end of the 90-day period, aid shall be effective from the first day of the month in which the end of the 90-day period occurred.

Example: (1) The application is signed August 10, 1943. The 90-day period terminates November 8. The investigation is not completed until December 20, 1943. Aid begins November 1, 1943, the first day of the month in which the end of the 90-day period occurred.

Example: (2) The application is signed March 20, 1944. The 90-day period ended June 18, which falls on a Sunday; therefore, June 19 is considered the 90th day. The application is granted June 23, and the effective date is June 1, the first day of the month in which the end of the 90-day period occurred.

III. Interim Procedure for Application Pending on August 4, 1943.

(This procedure is temporary and accordingly will not appear in the Manual of Policies and Procedures.)

A. Whether the 90-day period terminated prior or subsequent to August 4, on applications acted upon by the board of supervisors in the month of August aid will begin August 1.

Example: (1) Application signed April 3; 90-day period terminated July 2. Granted by board of supervisors on August 10. Aid begins August 1, 1943.

Example: (2) Application signed May 9; 90-day period terminated August 7. Granted by board of supervisors on August 28. Aid begins August 1, 1943.

B. If the 90-day period terminated in the month of August and the application is granted by the board of supervisors in a subsequent month, aid is payable from August 4, 1943, the effective date of the amendment to the law.

Example: (1) Application signed May 9; 90-day period terminated August 7. Granted by board of supervisors September 15. Aid begins August 4, 1943.

Example: (2) Application signed April 3; 90-day period terminated July 2. Granted by board of supervisors September 15, 1943. Aid begins August 4, 1943.

IV. Amount of Retroactive Grants.

The amount of the grant for each month for which retroactive aid is paid beginning with the first day of the month in which the end of the 90-day period occurred, shall be the amount to which the child/children were eligible.

Example: The 90-day period terminated October 13, but the application is not granted until November 8. Aid is granted from October 1, the first day of the month in which the end of the 90-day period occurred. In October, the family unit had income from the mother's earnings in the amount of \$40, which left a budgetary deficiency of \$60. This employment was for October only, and the amount needed to meet the budgetary deficiency subsequent to October was \$100. Aid for October was granted in the amount of \$60, and is so reported on the Certificate of Eligibility. On the same date that the Board of Supervisors granted aid in the amount of \$60, effective October 1, 1943, a Notice of Change increasing aid effective November 1, 1943, is acted upon. The November warrant for \$100, together with the October warrant of \$60, is delivered in November.

V. Reimbursement.

There will be no Federal reimbursement on initial warrants which are not delivered in the month for which the aid was granted by the board of supervisors. In the example above under "Amount of Retroactive Grants", there would be no Federal participation in the October grant as it was not delivered in the month for which it was issued.

VI. Supplemental Claims.

As provided in Manual Section 626-50, supplemental claims may be filed to cover the retroactive aid paid; however, retroactive aid shall not be included in the claim for the current month. If the retroactive aid for a particular month is paid before the regular claim for that month is submitted to the SDSW the supplemental payroll shall be included with the regular claim. If retroactive aid for a particular month is paid after the regular claim for that month has been submitted, supplemental claims shall be filed to cover each month for which the aid is paid. Only one supplemental claim for each previous month shall be filed for retroactive aid paid during any one particular month. The claim shall be forwarded to the SDSW not later than the tenth of the month following the month in which payment is made. (Appropriate amendment will be made to Manual Section 626-50 providing for retroactive payments of ANC which are occasioned by completion of investigation more than 90-days after date of application.)

VII. Child/Children not Eligible as of Beginning Date as Set Forth by Section 1550.

If investigation established eligibility only from a date subsequent to the date when aid should be effective under the provisions of Section 1550, aid shall not be granted prior to the date on which the child/children became eligible as established by the investigation.

When the provisions of Section 1550 indicate that aid should begin from the first of a month preceding that in which the board of supervisors grants the application, but because of ineligibility of the child or children during one or more of such months retroactive aid is not paid, a statement of the

specific reason for the child or children's ineligibility for such payment shall be made on the Certificate of Eligibility. The necessary statement may be inserted in the space immediately following that provided for board of supervisor's action.

Example: Application under W.F.U. Classification signed September 5. The 90-day period terminated December 4. Investigation is completed and board action taken January 17. Aid should normally be granted from December 1, 1943. However, the investigation disclosed that the warrant for the father, whose whereabouts was not known, was not signed until January 2, 1944. Aid is granted to begin effective January 2, 1944. On the Certificate of Eligibility report: "Ineligible for December aid. Failure to provide Warrant not filed until January 2, 1944."

VIII. Additional Child for Whom a Separate Subsequent Application is Made.

When application is made for an additional child in a family already in receipt of ANC, or when separate application for other children in the family is pending, the 90-day period begins on the day following that on which the application for the additional child is signed.

Example: (1) A mother makes application for ANC for two children on June 5. An additional child living outside the state returns to the home on July 6, before completion of the investigation for the first two children. The mother makes application for ANC for this child on July 8. The 90-day period for the additional child begins July 9. The application for this child requires a separate Certificate of Eligibility and a separate action by the Board of Supervisors.

Example: (2) A mother makes application for ANC for two children on June 5. The application is granted September 15 and aid begins September 1. A child who has been receiving a free home with relatives returns to his mother's home on October 10 and the application for ANC for this child is signed on October 15. The 90-day period for this child begins on October 16. If the application is granted in January or subsequent thereto, aid will begin January 1.

IX. Additional Child/Children Appearing on Original Application but Receiving Separate Subsequent Board Action.

When investigation of eligibility for one or more of the family group included on the original application is completed by a separate subsequent board action, as provided in Manual Section 250-00, maximum State reimbursement may be obtained retroactively by filing a supplemental claim for State participation in the maximum amount allowable on the basis of the grant.

Example: (1) Application is made August 7 for three children by their mother. In November, investigation is completed for two of the children and the board of supervisors grants ANC in the amount of \$95 to meet the budget deficiency. Claim

is made for State and Federal reimbursement on the maximum basis of \$60. On December 4, eligibility is established for the third child and action of the board of supervisors is taken in that month. The amount received by the mother remains the same. A supplemental claim is made from November 1 (90-day period expired November 5) on the basis of \$22.50. Beginning December 1, the first month in which there can be Federal participation for the third child, State and Federal reimbursement may be claimed on the basis of \$88.50.

Example: (2) Application is made August 7 for three children. On November 4, investigation is completed for two children by the board of supervisors and ANC in the amount of \$54 is granted in November to meet the budgetary deficiency. Claim is made for State and Federal reimbursement on the basis of \$54. On December 4, eligibility is established for the third child and board action is taken in that month. The amount of the grant remains the same. The Certificate of Eligibility for the additional child will show aid to begin for that child effective November 1 (90-day period expired November 5). However, there will be no additional State or Federal reimbursement for this child for November. Effective December 1, 1943, State and Federal reimbursement may be claimed and allowed for the three children.

SECTION 1552.3. This section has been added to the Welfare and Institutions Code,

"If on the first day of the month a child is eligible for aid, aid for the entire month shall be paid."

For each child receiving ANC who becomes 18 years of age on August 4, 1943, or thereafter, aid shall be paid and reimbursement shall be claimed for the full month during which the eighteenth birthday occurs. All Manual sections in conflict with this Code provision will be revised as soon as administratively possible.

The addition of Section 1552.3 also incorporates into the Code the existing general ruling providing that if a child is eligible on the first day of the month he is entitled to receive aid for the full month, even though his status changes at some time during the month. This includes children in foster homes and institutions, provided that payment is made to the foster home or institution for the full month.

SECTION 1600.

The following section, which has been on the statute books for many years, has been repealed:

"The officers or managers of each orphan asylum in this State shall publish in January, April, July, and October, in each year, in some newspaper of general circulation published in the county

where such asylum is situated, a notice giving the following facts concerning each child received into such asylum, either as an orphan or as an abandoned child, since the last quarterly publication of a like notice:

- "(a) Name, if known.
- "(b) Age, as near as may be.
- "(c) Sex
- "(d) Such other descriptions as would lead to identification.

"Such notice shall be published at least four times, if in a weekly, and at least ten times consecutively if published in a daily newspaper."

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Earl Warren
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STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

June 30, 1943

SOCIAL WELFARE BOARD
ARCHIBALD B. YOUNG, CHAIRMAN
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OAKLAND

JOHN C. CUNEO
922 J STREET
MODESTO

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

DEPARTMENT BULLETIN NO. 218

IN REPLY PLEASE REFER
TO:

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: 1943 Amendments to Welfare and
Institutions and Civil Codes
Pertaining to the Four Categorical
Aids, ANC - OAS - ANB - APSB

The Welfare and Institutions Code has been amended by Chapters 633, 680, 702, 720, 723, 724 and 770, Statutes of 1943 and the Civil Code by Chapters 51 and 365, Statutes of 1943, which amendments will affect the administration of the four categorical aid programs - ANC, OAS, ANB, APSB.

Chapter 51 amending Section 704 of the Civil Code became effective February 10, 1943, and Chapter 365 amending Section 1183.5 of the Civil Code became effective May 12, 1943.

All amendments to the Welfare and Institutions Code referred to above, become effective August 4, 1943. All actions of the Board of Supervisors on Applications and Notices of Change shall be in accord with the amended requirements from the effective date of the amendments.

Attached are new sections and revisions of existing sections of the Manual of Policies and Procedures in accord with the amended laws. Other revisions will be issued as soon as administratively possible.

Form DPA 6 referred to in Manual Section 330-00 will be available from the State Department of Social Welfare upon request.

Very sincerely yours,

(Authority: Sec. 2140,
Welfare and Institutions Code)

MARTHA A. CHICKERING

MARTHA A. CHICKERING, Director
Department of Social Welfare

FOR VICTORY



Attachment

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Civil Code, Section 704

"All United States savings bonds or other bonds or obligations of the United States, however designated, now or hereafter issued, which are registered in the names of two persons as co-owners in the alternative, shall, upon the death of either of the registered co-owners, become the sole and absolute property of the surviving co-owner, unless the Federal laws under which such bonds or other obligations were issued or the regulations governing the issuance thereof, made pursuant to such laws, provide otherwise.

"All United States savings bonds or other bonds or obligations of the United States, however designated, now or hereafter issued, which are registered in the name of one person payable on death to a named survivor, shall, upon the death of the registered owner, become the sole and absolute property of the surviving beneficiary named therein, unless the Federal laws under which such bonds or other obligations were issued or the regulations governing the issuance thereof, made pursuant to such laws, provide otherwise.

"This section shall not be construed to mean that prior to the enactment hereof the law of this state was otherwise than as herein provided.

"This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

"Doubt has arisen as to the interpretation of Federal regulations governing the issuance of United States war savings bonds and other United States bonds and obligations. In order that questions of ownership be settled and the sale of these bonds be not obstructed by conflicting interpretations, it is necessary that this act take effect immediately."

Manual Section 143-57 Determination of Ownership of War Bonds When Co-owner Named
OAS: ANB: APSB: ANC

A person named as a co-owner and having possession of a war bond shall be deemed to be the presumptive owner thereof unless such ownership is refuted by evidence that all or part of the funds used to purchase the bond did not belong to him. When the contention is made that all of the funds used to purchase the bond did not belong to the person, and that the bond was not a gift, effort shall be made to establish the extent of his interest in it. That portion which is established as belonging to the applicant (in ANC, the parent, child or children) is considered in determining his eligibility.

The fact that there may be two co-owners of the bond shall not in itself determine that the bond is jointly owned. The person whose name appears on the bond as co-owner and who does not have possession of such bond shall not be presumed to own any part of the bond unless evidence refuting such presumption is set forth.

Upon the death of one co-owner the surviving co-owner of any savings bonds or other bonds and obligations of the U. S. becomes the sole owner unless Federal laws or regulations governing the issuance thereof, provide otherwise. (See Sec. 143-55, Determination of Value of Stocks and Bonds, and Section 145-10, Personal Property Acquired by Inheritance).

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In OAS and ANC, the actual current market value of stocks and bonds, including mutual water and irrigation stock when such stock represents personal property (See Irrigation and Water Stock, Glossary), shall be considered in determining the value of personal property holdings. In ANB and APSB, when stocks and bonds are assessed this value shall be used. When stocks and bonds are not assessed, the current market value shall be used in determining eligibility. (See Sec. 142-05, Limitations on Personal Property and 143-15, Encumbrances on Personal Property. The provisions of Sec. 143-15 relating to ANB and APSB now apply likewise to OAS.)

The current market value of all U. S. savings bonds or other bonds or obligations of the U. S. registered in the name of one person payable on death to a named survivor, represent personal property of the registered owner during his life time. Upon the death of the registered owner they become the property of the named survivor unless Federal laws and regulations governing the issuance thereof provide otherwise. The current market value of such bonds shall be considered in determining the eligibility of the survivor. (See Sec. 145-10, Personal Property Acquired by Inheritance).

Welfare and Institutions Code, Section 1562

"The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history, or any part thereof, of any recipient of aid to needy children who has not received such aid from such county for in excess of five years prior thereto; provided, that such case history, or any such part thereof, has been photographed upon suitable negative material so that it may be either projected, or printed upon paper; and provided further, that such negative material has been suitably placed for preservation and safekeeping under the jurisdiction of such board of supervisors. The foregoing provisions of this section shall not apply to account records, or forms relating to the application and certification of aid to needy children as required by the State Department of Social Welfare."

Welfare and Institutions Code, Section 2190

"The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history, or any part thereof, of any recipient of aid to the aged who has not received such aid from such county for in excess of five years prior thereto; provided, that such case history, or any such part thereof, has been photographed upon suitable negative material so that it may be either projected, or printed upon paper; and provided further, that such negative material has been suitably placed for preservation and safekeeping under the jurisdiction of such board of supervisors. The foregoing provisions of this section shall not apply to accounting records, or forms relating to the application and certification of aid to the aged as required by the State Department of Social Welfare."

Welfare and Institutions Code, Section 3091.5

"The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history, or any part thereof, of any recipient of aid to the needy blind who has not received such aid from such county for in excess of five years prior thereto; provided, that such case history, or any such part thereof, has been photographed upon suitable negative material so that it may be either projected, or printed upon paper; and provided further, that such negative material has been suitably placed for preservation and safekeeping under the jurisdiction of such board of supervisors. The foregoing provisions of this section shall not apply to accounting records, or forms relating to the application and certification of aid to the needy blind as required by the State Department of Social Welfare."

W & I Code, Section 3460 makes provisions of Section 3091.5 also applicable to APSB.

Manual Section 236-35, Disposal of Case History

OAS: ANB: APSB: ANC

The Application (Form Ag, Bl, Ca 200), Affirmation of Eligibility (Form Ag, Bl, Ca 206), Certificate of Reinvestigation of Eligibility (Form Ag, Bl, Ca 207 or 208), Certificate of Eligibility (Form Ag, Bl, Ca 201), together with all documents supporting verification, Notice of Change (Form Ag, Bl, Ca 232) and other accounting records, are held to be permanent records and may not be destroyed irrespective of

the length of time that aid may have been discontinued. When aid has been discontinued for five years or more the narrative record (case history) may, upon authorization of the board of supervisors, be destroyed but not until its content has been photographed in such manner that it may be reproduced. (This is a new Manual Section to be included in the Investigation and Decision Chapter.)

Welfare and Institutions Code, Section 1528

"In case of a dispute between counties as to the responsibility for the support of a needy child, either county may submit the dispute to the State Department of Social Welfare. The decision of the department thereon shall be binding on the counties."

(This Section was added by Statutes of 1937, Chapter 389, but administrative procedure is incorporated for the first time in Manual Section 330-00.)

Welfare and Institutions Code, Section 2143

"If a dispute occurs between counties as to the responsibility for an applicant, either county may submit the dispute to the State Department of Social Welfare. The decision of the Department shall be final."

Welfare and Institutions Code, Section 3092

"If a dispute occurs between counties as to the responsibility for an applicant, either county may submit the dispute to the State Department of Social Welfare. The decision of the department shall be final."

Welfare and Institutions Code, Section 3463

"If a dispute occurs between counties as to the responsibility for an applicant, either county may submit the dispute to the State Department of Social Welfare. The decision of the department shall be final."

Manual Section 330-00 Dispute Regarding Responsibility for an Applicant
OAS: ANB; APSB: ANC

When a dispute arises between two counties regarding that county which is responsible for the support of an individual, either county may submit the dispute to the SDSW. The SDSW shall weigh the evidence presented and fix responsibility for support.

When a county wishes to refer to the SDSW a dispute with another county as to responsibility for payment of aid, Appeal as to Responsibility for Support, Form DPA 6, after completion by signature of the chairman of the board of supervisors, shall be submitted in triplicate to the SDSW. Additional data shall be submitted to

the SDSW with Form DPA 6 and should include information as to the counties in which the applicant, or in ANC the child or person who determines the residence of the child or children, has resided, with the dates of such residence, and the information on which there is not agreement.

Upon receipt of the appeal, the SDSW sends a copy of Form DPA 6 to the chairman of the board of supervisors and county welfare director in the other interested county or counties and requests a report from them. If no reply is received from the other county or counties within 30 days, the SDSW renders its decision on the basis of the facts known to it.

When no conflict is revealed in the facts reported by the counties, such facts are presumed to be correct. When a conflict exists, the SDSW draws this to the attention of the counties concerned and requests an additional investigation and report. As a general rule, the SDSW does not make an investigation or interview the person concerned but renders its decision upon the basis of the facts presented by the counties. The decision of the SDSW may be appealed to the SSWB.

In an appeal to the SSWB the decision of the SDSW is presented and the counties submit their contentions by letter, brief, or verbal argument at the time of hearing.

Form DPA 6
State of California
Department of Social Welfare

STATE DEPARTMENT OF SOCIAL WELFARE

Appeal as to Responsibility for Support.

vs
County of _____
County of _____

APPEAL TO THE
STATE DEPARTMENT
OF SOCIAL WELFARE

IT APPEARING that the responsibility for the support of _____

is in dispute between the County of _____
and the County of _____, the Board of
Supervisors of the said County of _____, in
conformity with the provisions of Section 1528, 2143, 3092, 7463 of the Welfare and
(Circle the applicable section)
Institutions Code, State of California, hereby submits said dispute to the State
Department of Social Welfare for decision.

Attached to this appeal is the summary of facts upon which this
appeal is based.

Approved this _____ day of _____, 19____.

Board of Supervisors of the County of _____

By _____
Chairman of Board of Supervisors

Welfare and Institutions Code, Section 1552.5

"The county may cancel, suspend or revoke aid under this chapter for cause. Upon instructions from the State Department of Social Welfare, the county shall cancel, suspend or revoke aid under this chapter.

"Upon request of the department, an immediate report of every suspension of aid shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the county in approving the suspension."

Sec. 360-10 Provisions of Law for Changes in Aid
ANC

The county may cancel, suspend, or revoke aid under ANC law for cause. Upon instructions from the SDSW the county shall cancel, suspend, or revoke aid under this law. Upon request of the SDSW an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension.

Welfare and Institutions Code, Section 2220

"The board of supervisors may for cause, and upon instructions so to do by the State Department of Social Welfare, shall cancel, suspend, or revoke aid. Upon request of the department, an immediate report of every suspension shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension."

Sec. 360-00 Changes in Amount of Aid in OAS
OAS

The county shall annually or oftener investigate the recipient's eligibility to continue to receive OAS. The amount of aid shall be changed or aid shall be discontinued if the county finds that the recipient's circumstances have changed sufficiently to warrant such action.

The county may for cause, and upon instructions so to do by the SDSW, shall cancel, suspend or revoke aid. Upon request of the SDSW, an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension.

If at any time the SDSW has reason to believe that OAS has been obtained improperly, it shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. It shall notify the county of such suspension. If

it appears upon inquiry that aid was obtained improperly, it shall be canceled by the SDSW; but if it appears that aid was obtained properly, the suspended payments shall be payable.

The clerk of the board of supervisors of each county shall monthly report to the SDSW in such manner and form as the latter may prescribe the grants of aid changed, revoked, or suspended under the provisions of the OAS law by the board of supervisors during the preceding calendar month.

Welfare and Institutions Code, Section 3078.5

"The board of supervisors may, for cause, and upon instructions so to do by the State Department of Social Welfare, shall cancel, suspend, or revoke aid. Upon request of the department, an immediate report of every suspension shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension."

Sec. 30-05 Provisions of Law for Changes in Aid

ANB: APSB

The county may, for cause, and upon instructions so to do by the SDSW shall cancel, suspend or revoke aid. Upon request of the SDSW, an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension.

If at any time the SDSW has reason to believe that ANB or APSB has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. If it appears upon inquiry that the aid has been obtained improperly, it shall be canceled by the SDSW; and if it appears that aid was obtained properly, the suspended payment shall be payable.

Welfare and Institutions Code, Section 2222

"Any county warrant issued for the giving of aid to, and payable to, an indigent, a needy aged person, a needy child, or a needy blind person, or the guardian, trustee, disbursing agent, or any custodian of the funds or estate of any of them, shall be canceled if not presented to the county treasurer for payment within six months after the date of issuance."

The amended section now incorporates in the Welfare & Institutions Code a provision for the cancellation of warrants issued in payment of public assistance if not presented to the county treasurer for payment within six months after the date of issuance, which provision has been in effect since May 3, 1941, under Chapter 2087 of the Statutes of 1941. (See Manual of Policies and Procedures - Section 611-90 - Cancellation of Aid Warrants.)

Welfare and Institutions Code, Section 140

"Whenever a warrant for public assistance granted under any provision of this code, including Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapter 2 of Division 4, and Chapters 1 and 3 of Part 1 of Division 5, has been lost or destroyed before it has been paid by the county treasurer, the amount due thereon may be recovered by the payee by filing with the county auditor an affidavit setting forth the fact of the loss or destruction of the warrant, together with all material facts relative thereto known to the affiant, the amount, the name of the payee, and the date and number of the warrant if the same are known to the affiant. Upon receipt of the affidavit, and without the filing of any bond by the payee, the county auditor shall issue and deliver to the payee of the original warrant a duplicate warrant for the full amount of the original warrant, and the county treasurer shall pay the duplicate warrant in lieu of the original warrant.

"A warrant shall be considered to have been lost if it has been mailed, and has not been received by the addressee within 20 days after the date of mailing."

This section supersedes Section 2183.1 of the Old Age Security Law which states duplicate warrants may be issued without the filing of any bond by the payee. The law is now mandatory and applies to all aids.

"SECTION 1. Section 1183.5 of the Civil Code is amended to read:

"1183.5 1. Any officer of any component of the Army of the United States on active duty in Federal service commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff judge advocate or acting staff judge advocate, and the adjutant, assistant adjutant, personnel adjutant or commanding officer of any command;

"2. Any commanding officer or executive officer of a ship, shore station or establishment and any officer of or above the rank of lieutenant, senior grade, on active duty with the Navy or Coast Guard of the United States;

"3. Any officer of or above the rank of captain on active duty with the United States Marine Corps;

"Shall have the power if a commissioned officer to administer and certify oaths or affirmations, attest documents, take acknowledgments, and perform all other notarial acts, for any person serving in or with the armed forces of the United States, wherever located within or without this State.

"Any instrument acknowledged by any such officer or any oath or affirmation made before such officer shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment or of any jurat signed by him shall be required but the officer taking the acknowledgment shall indorse thereon or attach thereto a certificate substantially in a form authorized by the laws of this State or in the following form:

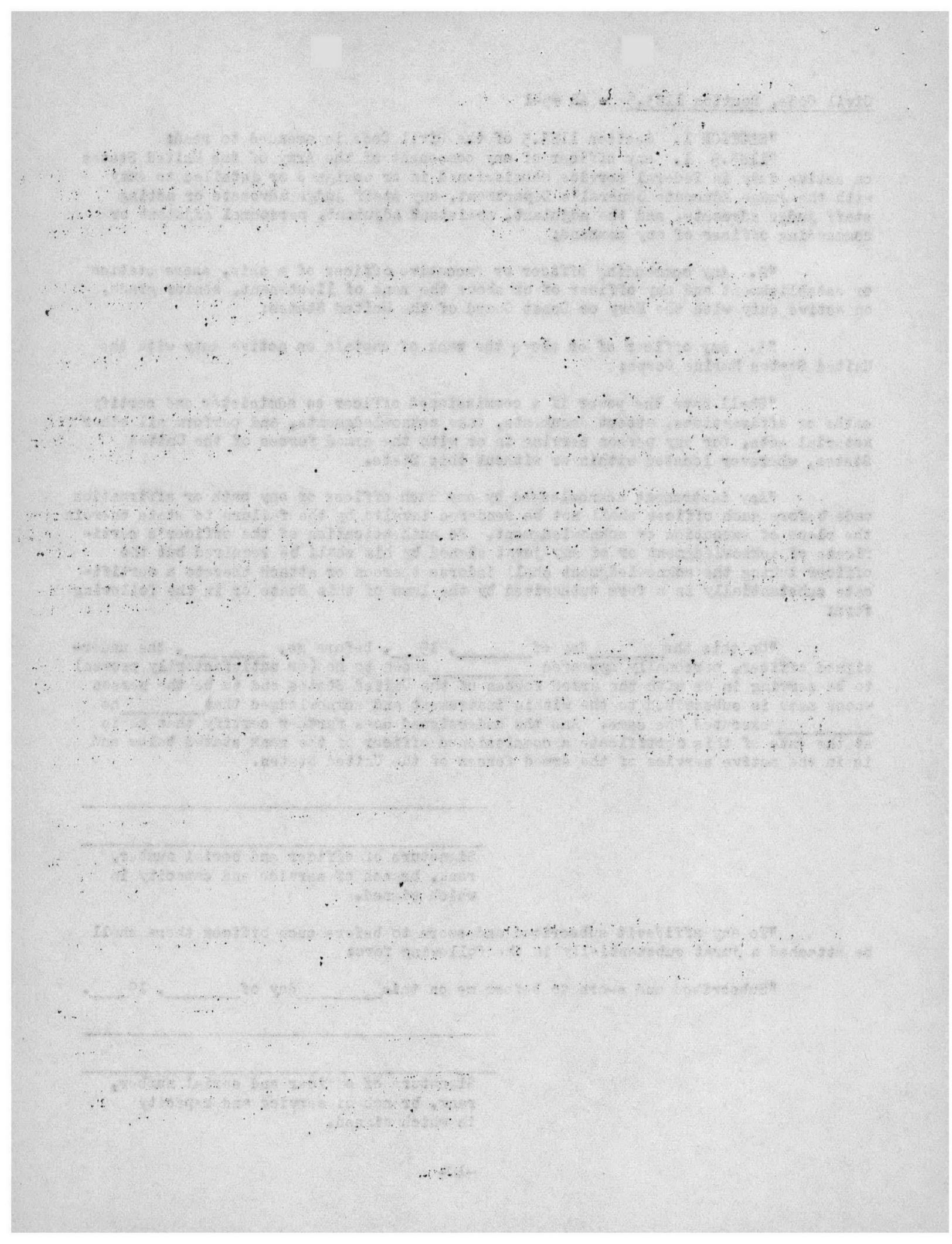
"On this the _____ day of _____, 19_____, before me, _____, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that _____ he _____ executed the same. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

Signature of officer and serial number,
rank, branch of service and capacity in
which signed.

"To any affidavit subscribed and sworn to before such officer there shall be attached a jurat substantially in the following form:

"Subscribed and sworn to before me on this _____ day of _____, 19____.

Signature of officer and serial number,
rank, branch of service and capacity
in which signed.



"The recitals contained in any such certificate or jurat shall be prima facie evidence of the truth thereof, and any certificate of acknowledgment, oath or affirmation purporting to have been made by any commissioned officer of the Army, Navy, Marine Corps, or Coast Guard shall, notwithstanding the omission of any specific recitals therein, constitute presumptive evidence of the existence of the facts necessary to authorize such acknowledgment, oath or affirmation to be taken by the certifying officer pursuant to this section.

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

"The existing statutes covering the acknowledgment of documents are such that since the entrance of the United States into the war a large percentage of those serving in or with the armed forces are unable to have needed documents notarized. Essential transactions pertaining to the family affairs of members of the Army, Navy, Marine Corps and Coast Guard and others serving in or with such forces cannot be consummated for this reason. To remedy this situation and to protect and aid the members of our armed forces in the conduct of their and their families' affairs it is urgently necessary that this act take effect immediately."

GLOSSARY OF THE MANUAL.

OATHS AND AFFIRMATIONS

Every county officer named below, and his deputy, every justice of the peace and certain officers of the armed forces, may administer and certify oaths. |(a)

1. A district attorney;
2. A sheriff;
3. A county clerk;
4. An auditor;
5. A treasurer;
6. A recorder;
7. A license collector;
8. A tax collector; who shall be an ex officio license collector;
9. An Assessor;
10. A superintendent of schools;
11. A public administrator;
12. A coroner;
13. A surveyor;
14. Members of the board of supervisors;
15. A livestock inspector;
16. A fish and game warden;
17. A county librarian;
18. Such other officers as may be provided by law.
19. The commissioned officers of the armed forces included in the following groups.
 - a. Any officer of any part of the U. S. army on active duty in Federal service, commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff Judge advocate or acting staff judge advocate and the adjutant, assistant adjutant, personnel adjutant or commanding officer of any command.
 - b. Any commanding officer or executive officer of a ship, shore station or establishment and any officer of or above the rank of lieutenant senior grade, on active duty with the U. S. Navy or Coast Guard.
 - c. Any officer of or above the rank of captain on active duty with the U. S. Marine Corps.

In order to be valid, the document bearing the signature of such commissioned officer must show in addition to the officer's signature, his serial number, branch of service, and the capacity in which he signed.

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

June 30, 1943

SOCIAL WELFARE BOARD

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Upon the death of one co-owner the surviving co-owner of any savings bonds or other bonds and obligations of the U. S. becomes the sole owner unless Federal laws or regulations governing the issuance thereof, provide otherwise. (See Sec. 143-55, Determination of Value of Stocks and Bonds, and Section 145-10, Personal Property Acquired by Inheritance).

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OAS: ANB: APSB: ANC

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"The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history, or any part thereof, of any recipient of aid to needy children who has not received such aid from such county for in excess of five years prior thereto; provided, that such case history, or any such part thereof, has been photographed upon suitable negative material so that it may be either projected, or printed upon paper; and provided further, that such negative material has been suitably placed for preservation and safekeeping under the jurisdiction of such board of supervisors. The foregoing provisions of this section shall not apply to account records, or forms relating to the application and certification of aid to needy children as required by the State Department of Social Welfare."

Welfare and Institutions Code, Section 2190

"The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history, or any part thereof, of any recipient of aid to the aged who has not received such aid from such county for in excess of five years prior thereto; provided, that such case history, or any such part thereof, has been photographed upon suitable negative material so that it may be either projected, or printed upon paper; and provided further, that such negative material has been suitably placed for preservation and safekeeping under the jurisdiction of such board of supervisors. The foregoing provisions of this section shall not apply to accounting records, or forms relating to the application and certification of aid to the aged as required by the State Department of Social Welfare."

Welfare and Institutions Code, Section 3091.5

"The board of supervisors in each county may, in its discretion, authorize the destruction or disposition of the case history, or any part thereof, of any recipient of aid to the needy blind who has not received such aid from such county for in excess of five years prior thereto; provided, that such case history, or any such part thereof, has been photographed upon suitable negative material so that it may be either projected, or printed upon paper; and provided further, that such negative material has been suitably placed for preservation and safekeeping under the jurisdiction of such board of supervisors. The foregoing provisions of this section shall not apply to accounting records, or forms relating to the application and certification of aid to the needy blind as required by the State Department of Social Welfare."

W & I Code, Section 3460 makes provisions of Section 3091.5 also applicable to APSB.

Manual Section 236-35, Disposal of Case History
OAS: ANB: APSB: ANC

The Application (Form Ag, Bl, Ca 200), Affirmation of Eligibility (Form Ag, Bl, Ca 206), Certificate of Reinvestigation of Eligibility (Form Ag, Bl, Ca 207 or 208), Certificate of Eligibility (Form Ag, Bl, Ca 201), together with all documents supporting verification, Notice of Change (Form Ag, Bl, Ca 232) and other accounting records, are held to be permanent records and may not be destroyed irrespective of

the length of time that aid may have been discontinued. When aid has been discontinued for five years or more the narrative record (case history) may, upon authorization of the board of supervisors, be destroyed but not until its content has been photographed in such manner that it may be reproduced. (This is a new Manual Section to be included in the Investigation and Decision Chapter.)

Welfare and Institutions Code, Section 1528

"In case of a dispute between counties as to the responsibility for the support of a needy child, either county may submit the dispute to the State Department of Social Welfare. The decision of the department thereon shall be binding on the counties."

(This Section was added by Statutes of 1937, Chapter 389, but administrative procedure is incorporated for the first time in Manual Section 330-00.)

Welfare and Institutions Code, Section 2143

"If a dispute occurs between counties as to the responsibility for an applicant, either county may submit the dispute to the State Department of Social Welfare. The decision of the Department shall be final."

Welfare and Institutions Code, Section 3092

"If a dispute occurs between counties as to the responsibility for an applicant, either county may submit the dispute to the State Department of Social Welfare. The decision of the department shall be final."

Welfare and Institutions Code, Section 3463

"If a dispute occurs between counties as to the responsibility for an applicant, either county may submit the dispute to the State Department of Social Welfare. The decision of the department shall be final."

Manual Section 330-00 Dispute Regarding Responsibility for an Applicant
OAS: ANB: APSB: ANC

When a dispute arises between two counties regarding that county which is responsible for the support of an individual, either county may submit the dispute to the SDSW. The SDSW shall weigh the evidence presented and fix responsibility for support.

When a county wishes to refer to the SDSW a dispute with another county as to responsibility for payment of aid, Appeal as to Responsibility for Support, Form DPA 6, after completion by signature of the chairman of the board of supervisors, shall be submitted in triplicate to the SDSW. Additional data shall be submitted to

the SDSW with Form DPA 6 and should include information as to the counties in which the applicant, or in ANC the child or person who determines the residence of the child or children, has resided, with the dates of such residence, and the information on which there is not agreement.

Upon receipt of the appeal, the SDSW sends a copy of Form DPA 6 to the chairman of the board of supervisors and county welfare director in the other interested county or counties and requests a report from them. If no reply is received from the other county or counties within 30 days, the SDSW renders its decision on the basis of the facts known to it.

When no conflict is revealed in the facts reported by the counties, such facts are presumed to be correct. When a conflict exists, the SDSW draws this to the attention of the counties concerned and requests an additional investigation and report. As a general rule, the SDSW does not make an investigation or interview the person concerned but renders its decision upon the basis of the facts presented by the counties. The decision of the SDSW may be appealed to the SSWB.

In an appeal to the SSWB the decision of the SDSW is presented and the counties submit their contentions by letter, brief, or verbal argument at the time of hearing.

Form DPA 6
State of California
Department of Social Welfare

STATE DEPARTMENT OF SOCIAL WELFARE

Appeal as to Responsibility for Support.

----- vs -----
County of _____ County of _____

APPEAL TO THE
STATE DEPARTMENT
OF SOCIAL WELFARE

IT APPEARING that the responsibility for the support of _____

is in dispute between the County of _____
and the County of _____, the Board of
Supervisors of the said County of _____, in
conformity with the provisions of Section 1528, 2143, 3092, 3463 of the Welfare and
(Circle the applicable section)
Institutions Code, State of California, hereby submits said dispute to the State
Department of Social Welfare for decision.

Attached to this appeal is the summary of facts upon which this appeal is based.

Approved this _____ day of _____, 19____.

Board of Supervisors of the County of

By _____ Chairman of Board of Supervisors

Welfare and Institutions Code, Section 1552.5

"The county may cancel, suspend or revoke aid under this chapter for cause. Upon instructions from the State Department of Social Welfare, the county shall cancel, suspend or revoke aid under this chapter.

"Upon request of the department, an immediate report of every suspension of aid shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the county in approving the suspension."

Sec. 360-10 Provisions of Law for Changes in Aid
ANC

The county may cancel, suspend, or revoke aid under ANC law for cause. Upon instructions from the SDSW the county shall cancel, suspend, or revoke aid under this law. Upon request of the SDSW an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension.

Welfare and Institutions Code, Section 2220

"The board of supervisors may for cause, and upon instructions so to do by the State Department of Social Welfare, shall cancel, suspend, or revoke aid. Upon request of the department, an immediate report of every suspension shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension."

Sec. 360-00 Changes in Amount of Aid in OAS
OAS

The county shall annually or oftener investigate the recipient's eligibility to continue to receive OAS. The amount of aid shall be changed or aid shall be discontinued if the county finds that the recipient's circumstances have changed sufficiently to warrant such action.

The county may for cause, and upon instructions so to do by the SDSW, shall cancel, suspend or revoke aid. Upon request of the SDSW, an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension.

If at any time the SDSW has reason to believe that OAS has been obtained improperly, it shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. It shall notify the county of such suspension. If

it appears upon inquiry that aid was obtained improperly, it shall be canceled by the SDSW; but if it appears that aid was obtained properly, the suspended payments shall be payable.

The clerk of the board of supervisors of each county shall monthly report to the SDSW in such manner and form as the latter may prescribe the grants of aid changed, revoked, or suspended under the provisions of the OAS law by the board of supervisors during the preceding calendar month.

Welfare and Institutions Code, Section 3078.5

"The board of supervisors may, for cause, and upon instructions so to do by the State Department of Social Welfare, shall cancel, suspend, or revoke aid. Upon request of the department, an immediate report of every suspension shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension."

Sec. 30-0-05 Provisions of Law for Changes in Aid

ANB: APSB

The county may, for cause, and upon instructions so to do by the SDSW shall cancel, suspend or revoke aid. Upon request of the SDSW, an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension.

If at any time the SDSW has reason to believe that ANB or APSB has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. If it appears upon inquiry that the aid has been obtained improperly, it shall be canceled by the SDSW; and if it appears that aid was obtained properly, the suspended payment shall be payable.

Welfare and Institutions Code, Section 2222

"Any county warrant issued for the giving of aid to, and payable to, an indigent, a needy aged person, a needy child, or a needy blind person, or the guardian, trustee, disbursing agent, or any custodian of the funds or estate of any of them, shall be canceled if not presented to the county treasurer for payment within six months after the date of issuance."

The amended section now incorporates in the Welfare & Institutions Code a provision for the cancellation of warrants issued in payment of public assistance if not presented to the county treasurer for payment within six months after the date of issuance, which provision has been in effect since May 3, 1941, under Chapter 2087 of the Statutes of 1941. (See Manual of Policies and Procedures - Section 611-90 - Cancellation of Aid Warrants.)

Welfare and Institutions Code, Section 140

"Whenever a warrant for public assistance granted under any provision of this code, including Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, Chapter 2 of Division 4, and Chapters 1 and 3 of Part 1 of Division 5, has been lost or destroyed before it has been paid by the county treasurer, the amount due thereon may be recovered by the payee by filing with the county auditor an affidavit setting forth the fact of the loss or destruction of the warrant, together with all material facts relative thereto known to the affiant, the amount, the name of the payee, and the date and number of the warrant if the same are known to the affiant. Upon receipt of the affidavit, and without the filing of any bond by the payee, the county auditor shall issue and deliver to the payee of the original warrant a duplicate warrant for the full amount of the original warrant, and the county treasurer shall pay the duplicate warrant in lieu of the original warrant.

"A warrant shall be considered to have been lost if it has been mailed, and has not been received by the addressee within 20 days after the date of mailing."

This section supersedes Section 2183.1 of the Old Age Security Law which states duplicate warrants may be issued without the filing of any bond by the payee. The law is now mandatory and applies to all aids.

"SECTION 1. Section 1183.5 of the Civil Code is amended to read:

"1183.5 1. Any officer of any component of the Army of the United States on active duty in Federal service commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff judge advocate or acting staff judge advocate, and the adjutant, assistant adjutant, personnel adjutant or commanding officer of any command;

"2. Any commanding officer or executive officer of a ship, shore station or establishment and any officer of or above the rank of lieutenant, senior grade, on active duty with the Navy or Coast Guard of the United States;

"3. Any officer of or above the rank of captain on active duty with the United States Marine Corps;

"Shall have the power if a commissioned officer to administer and certify oaths or affirmations, attest documents, take acknowledgments, and perform all other notarial acts, for any person serving in or with the armed forces of the United States, wherever located within or without this State.

"Any instrument acknowledged by any such officer or any oath or affirmation made before such officer shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment or of any jurat signed by him shall be required but the officer taking the acknowledgment shall indorse thereon or attach thereto a certificate substantially in a form authorized by the laws of this State or in the following form:

"On this the _____ day of _____, 19_____, before me, _____, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that _____ he _____ executed the same. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

Signature of officer and serial number, rank, branch of service and capacity in which signed.

"To any affidavit subscribed and sworn to before such officer there shall be attached a jurat substantially in the following form:

Signature of officer and serial number,
rank, branch of service and capacity
in which signed.

"The recitals contained in any such certificate or jurat shall be prima facie evidence of the truth thereof, and any certificate of acknowledgment, oath or affirmation purporting to have been made by any commissioned officer of the Army, Navy, Marine Corps, or Coast Guard shall, notwithstanding the omission of any specific recitals therein, constitute presumptive evidence of the existence of the facts necessary to authorize such acknowledgment, oath or affirmation to be taken by the certifying officer pursuant to this section.

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

"The existing statutes covering the acknowledgment of documents are such that since the entrance of the United States into the war a large percentage of those serving in or with the armed forces are unable to have needed documents notarized. Essential transactions pertaining to the family affairs of members of the Army, Navy, Marine Corps and Coast Guard and others serving in or with such forces cannot be consummated for this reason. To remedy this situation and to protect and aid the members of our armed forces in the conduct of their and their families' affairs it is urgently necessary that this act take effect immediately."

GLOSSARY OF THE MANUAL:

OATHS AND AFFILIATIONS

Every county officer named below, and his deputy, every justice of the peace and certain officers of the armed forces, may administer and certify oaths. |(a)

1. A district attorney;
2. A sheriff;
3. A county clerk;
4. An auditor;
5. A treasurer;
6. A recorder;
7. A license collector;
8. A tax collector; who shall be an ex officio license collector;
9. An Assessor;
10. A superintendent of schools;
11. A public administrator;
12. A coroner;
13. A surveyor;
14. Members of the board of supervisors;
15. A livestock inspector;
16. A fish and game warden;
17. A county librarian;
18. Such other officers as may be provided by law.
19. The commissioned officers of the armed forces included in the following groups.
 - a. Any officer of any part of the U. S. army on active duty in Federal service, commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff Judge advocate or acting staff judge advocate and the adjutant, assistant adjutant, personnel adjutant or commanding officer of any command.
 - b. Any commanding officer or executive officer of a ship, shore station or establishment and any officer of or above the rank of lieutenant senior grade, on active duty with the U. S. Navy or Coast Guard.
 - c. Any officer of or above the rank of captain on active duty with the U. S. Marine Corps.

In order to be valid, the document bearing the signature of such commissioned officer must show in addition to the officer's signature, his serial number, branch of service, and the capacity in which he signed.

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616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

July 9, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

SOCIAL WELFARE BOARD
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PASADENA

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LINDSAY

HEBER JAMES BROWN
1419 BROADWAY
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922 J STREET
MODESTO

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached hereto are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very sincerely yours,

Marta A. Chickering.

MARTHA A. CHICKERING, Director
Department of Social Welfare

Attachments
172:786

FILED
In the office of the Secretary of State
of the State of California
JUL 12 1943
FRANK M. JORDAN, Secretary of State
By *Chas. J. Taggart* Deputy

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616 K STREET

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WASHINGTON BLDG.
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HENES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento

June 30, 1943

DEPARTMENT BULLETIN NO. 215

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

SOCIAL WELFARE BOARD
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LINDSAY

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LOS ANGELES

JOHN C. CUNEO
922 J. STREET
MODESTO

HEBER BROWN
1419 BROADWAY
OAKLAND

Subject: Old Age Security
Section 2160.5

Section 2160.5 of the Welfare and Institutions Code has been amended and rulings in accord with this section become effective August 4, 1943.

Section 2160.5

"Notwithstanding any provision of subdivision (e) of Section 2160 to the contrary, aid shall be granted to any person who is an inmate of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization; (a) if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of said inmate or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance; (b) and if the home or institution has a written license or permit from the State department or from an inspection service approved or accredited by the department, in accordance with Section 2300.

"The county from which such inmate came to such home shall, for the purposes of this section, be considered the residence of such inmate to grant such aid."

The per capita cost of maintenance in a home or institution maintained by a fraternal, benevolent or other nonprofit organization is no longer a factor to be considered in determining the eligibility of an applicant for OAS and it will not be necessary in determining eligibility of OAS applicants or recipients to ascertain the per capita cost of care in the institution.

Aid shall be granted to an applicant otherwise eligible who is residing in a home or institution maintained by any fraternal, benevolent or nonprofit organization only if such home or institution has a written license or permit from the State Department of Social Welfare or from an inspection service approved or accredited by the Department in accord with Section 2300 of the Welfare and Institutions Code.

Aid shall not be granted or continued if the home or institution is not licensed or if the license has been revoked.

Section 163-45 of the Manual of Policies and Procedures is now invalid and Sections 153-60 and 163-55 are invalid insofar as they refer to OAS. Sections 163-00, 160-00, 160-05 and 163-30 concerning inmates of homes or institutions maintained by fraternal, benevolent or nonprofit organizations will be revised in accord with the provisions of amended Section 2160.5 as soon as administratively possible.

Other rules and regulations governing the determination of eligibility for OAS of inmates of homes or institutions maintained by any fraternal, benevolent or other nonprofit organization remain unchanged.

Very sincerely yours,

Martha A. Chickerling

MARTHA A. CHICKERING, Director
Department of Social Welfare

(Authority: Sec. 2140, 2160.5 of the Welfare and Institutions Code)

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Calbert T. Olson
Governor
EARL WARREN
STATE OF CALIFORNIA

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1815 REDWOOD XXXXXXXXNDXXXXAS
HIGHWAY SOUTH XXXXXXXXNDXXXXAS
SANTA ROSA XXXXXXXXNDXXXXAS

DEPARTMENT BULLETIN NO. 216

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: Aid to Needy Blind
Aid to Partially Self-Supporting
Blind Residents
August 4, 1943 Amendments

The Aid to Needy Blind and the Aid to Partially Self-Supporting Blind Residents laws have been amended by Chapters 682, 728, 442, 443, 444 and 445, Statutes of 1943. The amended laws become effective August 4, 1943. All actions of the Board of Supervisors on Applications and Notices of Change on or after August 4, 1943, shall be in accord with the amended requirements.

The following rules and regulations pertain to new sections which have been added to the Code and to sections which have been amended. All existing rules and regulations which are in conflict with them are cancelled effective August 4, 1943. Rulings in the Manual of Policies and Procedures will be amended and the revised Manual Sections will follow as soon as administratively possible.

Very sincerely yours,

(Authority: Sec. 3075,
Welf. & Inst. Code)

Martha A. Chickering
MARTHA A. CHICKERING, Director
Department of Social Welfare.

Attachment

I N D E X

CODE SECTION	CHAPTER NUMBER	PAGE
3047.5) 3448)	Ch. 728, Stats. 1943	1
3082	Ch. 444, Stats. 1943	1
3083.3) 3471.5)	Ch. 442, Stats. 1943	5
3083.5	Ch. 682, Stats. 1943	7
3401.5) 3432.1)	Ch. 443, Stats. 1943	7
3472	Ch. 445, Stats. 1943	8

Section 3047.5 ANB

"An applicant's share of any estate, which share has not been distributed and of which he has no present economic use does not constitute property for the purpose of this chapter."

Section 3448 APSB

"An applicant's share of any estate, which share has not been distributed and of which he has no present economic use does not constitute property for the purpose of this chapter."

These sections incorporate into the code the department ruling that property in an undistributed estate shall be considered the property of the applicant only when the property is available prior to distribution of the estate. (See Manual of Policies and Procedures, Sections 132-52 "Undistributed Estates" and 144-10 "Determination of Personal Property Value of Undistributed Estates" revised April 30, 1943.)

* * * * *

Section 3082 ANB, APSB

"The board of supervisors shall immediately investigate into the merits of all applications for aid under the provisions of this chapter. The county shall have a period of 90 days after the date of application within which to determine whether or not the applicant is eligible for aid under the provisions of this chapter. If the investigation is not completed at the end of the 90-day period, the investigation shall continue until completed, and if eligibility is established, aid shall begin as of the first day of the month in which the end of the 90-day period occurred.

"The county board of supervisors, subject to laws or ordinances governing civil service, may select to administer this act blind persons who have had special collegiate training to fit them for social work among the blind. The county board of supervisors of counties containing a population of 200,000 or over may each create a special bureau which shall be devoted exclusively to the administration of this chapter. Not less than 50 per cent of the employed personnel of each such bureau shall consist of trained blind persons. Any county board of supervisors may request the field workers or the home teachers of the Industrial Home for the Adult Blind to investigate and report upon the qualifications of any applicant. The field workers or the home teachers of the Industrial Home for the Adult Blind may, without expense to the county, make such investigations and submit their reports to the board of supervisors together with their recommendations as to action by the board."

This section has been amended so as to provide that, if the investigation is not completed within 90 days after the date of application, the investigation shall continue until completed, and if eligibility is established, aid shall begin as of the first day of the month in which the end of the 90-day period occurred.

While this section constitutes a specific amendment to the Aid to Needy Blind Law, its provisions are also applicable to Aid to Partially Self-Supporting Blind Residents by virtue of Section 3460 of the Welfare and Institutions Code.

As provided in Section 201-00 "Definition of Application" of the Manual of Policies and Procedures, the application shall be signed by the applicant and acknowledged before a properly qualified official as soon as administratively feasible and not later than the time of the first interview unless the applicant appears to be definitely ineligible under the law, is convinced that he does not qualify for aid, and does not desire to continue with the application.

As provided in Sections 230-05 "Provisions of Law Regarding Investigations," and 250-00 "Disposal of Applications," of the Manual of Policies and Procedures, the county shall immediately investigate all applications for aid, and the board of supervisors shall act on the application at the first meeting for consideration of such applications subsequent to receipt of the report made to them by their designated representative.

I. 90-DAY INVESTIGATION PERIOD

The day following that on which the application is signed represents the first day of the investigation period. When the 90th calendar day falls on a Sunday, or other legal holiday, the following day is considered the 90th day. The final step in the investigation procedure is the action by the board of supervisors granting or denying the application.

II. BEGINNING DATE OF AID

A. Investigation Completed Within The 90-Day Period

When the application is granted by the board of supervisors before the end of the 90-day period, the aid is effective from the first of the month in which the application is granted except that aid shall not be paid prior to the date of application.

Example 1: Application is signed August 27. The application is granted September 24. Aid begins September 1.

Example 2: Application is signed September 5. The application is granted on September 25, and aid is effective from September 5.

B. Investigation Exceeds 90-Day Period

When the application is granted by the board of supervisors after the end of the 90-day period, aid shall be effective from the first of the month in which the end of the 90-day period occurred.

Example 1: The application is signed on August 5. The 90-day period ended November 3. The application is granted December 8. Aid begins November 1.

Example 2: An application is signed March 20, 1944. The 90-day period ended June 18, which falls on a Sunday; therefore, June 19 is considered the 90th day. The application is granted June 23, and the effective date is June 1, the first day of the month in which the end of the 90-day period occurred.

III. INTERIM PROCEDURE FOR APPLICATIONS PENDING ON AUGUST 4, 1943 (This procedure is temporary and accordingly will not appear in the Manual of Policies and Procedures.)

A. Aid will begin effective August 1, 1943, on applications granted by the board of supervisors in the month of August, 1943, whether the 90-day period terminated prior or subsequent to August 4.

Example 1: Application signed April 3; 90-day period terminated July 2. Granted by board of supervisors on August 10. Aid begins August 1, 1943.

Example 2: Application signed May 9; 90-day period terminated August 7. Granted by board of supervisors on August 28. Aid begins August 1, 1943.

B. If the 90-day period terminated in the month of August, 1943, and the application is granted by the board of supervisors in a subsequent month, aid is payable from August 4, 1943, the effective date of the amendment to the law.

Example 1: Application signed May 9; 90-day period terminated August 7. Granted by board of supervisors September 15. Aid begins August 4, 1943.

Example 2: Application signed April 3; 90-day period terminated July 2. Granted by board of supervisors September 15. Aid begins August 4, 1943.

IV. AMOUNT OF RETROACTIVE GRANTS

The amount of the grant for each month for which retroactive aid is paid, beginning with the first day of the month in which the end of the 90-day period occurred, shall be the amount to which the applicant was eligible.

In APSB the amount of contributions actually received from legally responsible relatives in cash or in kind shall be verified. The grant in aid will supplement this income to arrive at a total of \$50 a month, except that certain types of net income are defined as exempt from inclusion in the \$50 a month to a total of \$400 a year.

A. Application for ANB

Example 1: Application signed June 8. The 90-day period terminated September 6, but the application is not granted by the board of supervisors until November 8. Aid is granted from September 1, the first of the month in which the end of the 90-day period occurred. In September the applicant received \$15 net rental income, but no subsequent rental was received due to vacancy. As the applicant did not have excess need

September, \$35 is granted for the month and this amount is reported on the Certificate of Eligibility. A Notice of Change increasing the grant to \$50 effective October 1, is also acted upon by the board of supervisors on November 8. The warrants for September, October and November are delivered in November.

Example 2: Application signed June 8. The 90-day period terminated September 6, but the board of supervisors did not grant the application until December 13. Aid is effective from September 1. There is no income in September, October and November, but it is known that the recipient will receive his first annuity payment of \$15 a month in December. Aid for September, October, and November is granted in the amount of \$50 to begin September 1, and is so reported on the Certificate of Eligibility. The recipient has excess need and his total needs were computed to be \$63 a month. Therefore, on the same date (December 13) that the board of supervisors granted aid in the amount of \$50 effective September 1, a Notice of Change decreasing aid effective December 1, to \$48 (\$63 minus \$15) is acted upon and the December warrant in this amount together with the September, October and November warrants of \$50 each are delivered in December.

B. Application for APSB

Example 1: Application signed June 8. The 90-day period terminated September 6, but the application is not granted by the board of supervisors until November 8. Aid is granted from September 1, the first day of the month in which the end of the 90-day period occurred. The applicant has a monthly net income from the dairy which he operates of approximately \$40. Since he is permitted to retain this income to a total of \$400 a year net income without deduction from his grant, aid is granted in the amount of \$50 a month. The warrants for September, October and November are delivered in November.

Example 2: Application signed June 8. The 90-day period terminated September 6, but the board of supervisors did not grant the application until December 13. Aid is effective from September 1. Applicant's parents contribute free rent valued at \$8.00 a month. Since contributions from responsible relatives are deductible from the monthly grant, aid is granted in the amount of \$42 a month. The warrants for September, October, November and December are delivered in December.

V. REIMBURSEMENT

There will be no Federal reimbursement on initial warrants for ANB which are not delivered in the month for which the aid was granted by the board of supervisors. In Paragraph A, Example 1, of IV, "Amount of Retroactive Grants," there would be no Federal participation in the September or October grants as they were not delivered in the month for which they were issued. Likewise in Paragraph A, Example 2, of IV, there would be no Federal participation in the September, October and November warrants.

There is no Federal participation in aid grants under the APSB law.

VI. SUPPLEMENTAL CLAIMS

As provided in Manual Section 626-50, "Supplemental Aid Claims," supplemental aid claims may be filed to cover the retroactive aid paid; however, retroactive aid shall not be included in the claim for the current month. If the retroactive aid for a particular month is paid before the regular claim for that month is submitted to the SDSW the supplemental pay roll shall be included with the regular claim. If the retroactive aid for a particular month is paid after the regular claim for that month has been submitted, supplemental claims shall be filed to cover each month for which the aid is paid. Only one supplemental claim for each previous month shall be filed for retroactive aid paid during any one particular month. The claim shall be forwarded to the SDSW not later than the tenth of the month following the month in which payment is made.

VII. APPLICANT NOT ELIGIBLE AS OF BEGINNING DATE AS SET FORTH BY SECTION 3082

If investigation established eligibility only from a date subsequent to the date when aid should be effective under the provisions of Section 3082, aid shall not be granted prior to the date on which the applicant became eligible as established by the investigation.

When the provisions of Section 3082 indicate that aid should begin from the first of a month preceding that in which the board of supervisors grants the application, but because of ineligibility of the applicant during one or more of such months retroactive aid is not paid, a statement of the specific reason for the applicant's ineligibility for such payment shall be made on the Certificate of Eligibility. The necessary statement may be inserted in the space immediately following that provided for board of supervisors' action.

Example: Application for ANB signed August 9, 1943. The 90-day period terminated November 8, 1943 (November 7th falling on Sunday). Investigation is completed and board action taken on December 7. Aid should normally be granted from November 1. However, the investigation discloses that the applicant's property holdings were excessive during November and he is thus entitled to no retroactive aid payment for that month. By December 1 the property holdings were within the maximum allowed and aid is granted to begin December 1. On the Certificate of Eligibility, report: "Ineligible for November aid - cash in bank \$650."

* * * * *

Section 3083.3 ANB

"The application, evidence and documents submitted by an applicant for aid under this chapter may be used to grant the applicant aid under Chapter 3 of this part, if he is eligible therefor."

Section 3471.5 APSB

"The application, evidence and documents submitted by an applicant for aid under this chapter may be used to grant the applicant aid under Chapter 1 of this part, if he is eligible therefor."

These sections are added to the code and pertain to Aid to Needy Blind and Aid to Partially Self-Supporting Blind Residents, respectively. On and after August 4, 1943, it will no longer be necessary to complete a new application (Bl 200 or Bl 200A) or a new Certificate of Eligibility (Bl 201 or Bl 201A) when a recipient of Aid to Needy Blind under Chapter 1 makes application for Aid to Partially Self-Supporting Blind Residents under Chapter 3, or vice versa. The Application and the Certificate of Eligibility under which aid was being granted at the time application is made to transfer may be used to grant aid under the other chapter, except that verification of eligibility under Chapter 3 (APSB), in addition to that already completed for Chapter 1 (ANB) must include:

- A. Verification of residence in California for a period of ten years immediately preceding the filing of application for Chapter 3; or
- B. Verification of the fact applicant became blind while a resident of California; and
- C. Verification of applicant's plan for achieving self-support.

Procedure for handling applications from recipients of Aid to the Blind under Chapter I (ANB) for transfer to Chapter 3 (APSB) or vice versa:

When an application for transfer from Chapter 1 (ANB) to Chapter 3 (APSB) or vice versa is approved by the board of supervisors a Notice of Change (Form Bl 232) shall be submitted to the SDSW indicating date of discontinuance under the one chapter and date of beginning aid under the other chapter. Item 16 on the Notice of Change (Form Bl 232) shall be used to indicate the chapter under which aid is granted by the county board of supervisors. Detailed information regarding the change in type of aid shall be given on the Notice of Change (Form Bl 232) under "Reason for Change."

If an application from a recipient to transfer from one chapter to the other is denied the county shall notify the recipient of such denial by a copy of the Form "Notification of Action of the Board of Supervisors" (Form Bl 239). A copy of Form Bl 239 shall be sent to the SDSW. (See Manual of Policies and Procedures, Section 250-10, "Reporting Action of the Board of Supervisors to Applicant").

New Applications:

A revised application (Form Bl 200) and a revised Certificate of Eligibility (Form Bl 201) will be prepared as soon as administratively possible. The revised Application and Certificate will be so designed that they may be used to grant aid under either chapter. The revised form need not be used until present supply is exhausted.

On and after August 4, 1943, and until present supplies are exhausted and the revised form is available, an application taken for ANB on Form Bl 200 may be used to grant aid under APSB or an application taken for APSB on Form 200A may be used to grant aid under ANB. The chapter under which aid is granted by the board of supervisors should be indicated on the Certificate of Eligibility by the insertion of the initials "ANB" or "APSB" in the space provided for action by the board of supervisors.

* * * * *

Section 3083.5

"The county shall review annually the case of every person receiving aid under this chapter to determine whether he will be eligible for aid under Chapter 3 of this part during the ensuing year period. The determination by the county as to the chapter under which it is to grant aid shall be subject to review by the State Social Welfare Board upon appeal by the applicant."

This section has been amended by deleting the words "Any person, granted aid under this chapter, shall not be eligible for aid under Chapter 3 of this part until the expiration of one year from the date upon which he filed his application under this chapter."

On and after August 4, 1943, any person receiving Aid to Needy Blind may at any time apply for Aid to Partially Self-Supporting Blind Residents, irrespective of the length of time he may have received Aid to Needy Blind.

A recipient whose application for Aid to Partially Self-Supporting Blind Residents is approved will continue to receive assistance under that chapter for one year from the date of application, if otherwise eligible, at which time a review will be made to determine the chapter under which the applicant will be eligible for the following year. Manual Section 210-05, "Right to Make Application," is being revised in accord with this amendment to the law.

* * * * *

Section 3401.5 APSB

"No blind person shall be deemed a pauper because he receives aid under this chapter. This chapter shall be construed separate and apart from any provisions of law for the aid and relief of indigents."

This section incorporates into the code the department ruling that no person for whom aid is granted under the APSB law shall be deemed a pauper because of the receipt of such aid. (See Manual of Policies and Procedures, Section 102-20, "No Pauper Designation").

* * * * *

Section 3432.1 APSB

"If, when and during such time as grants in aid are provided by the United States Government for such aid in this State, and accepted by this State, aid shall be granted under the provisions of this chapter to any person otherwise eligible who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of such application."

This section has been added to the code and pertains to the Aid to Partially Self-Supporting Blind Residents Law. The provisions of Section 3432.1 are not effective and will not become operative in California unless and until such time as the Federal Government participates in Aid to Partially Self-Supporting Blind Residents and such participation is accepted by this State.

* * * * *

"If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor. The amount of aid to which any applicant shall be entitled shall be, when added to the net income of the applicant from all other sources, fifty dollars (\$50) per month.

"Net income from any of the following sources of a combined total value not exceeding four hundred dollars (\$400) per annum shall not be considered for any purpose:

- (a) Income from applicant's labor or services;
- (b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;
- (c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;
- (d) The value of gifts other than regular contributions by relatives legally responsible under this act;
- (e) The value of the use and occupancy of premises owned and occupied by the applicant;
- (f) The net income from real and personal property owned by the applicant.

"Income in addition to the above specified shall be computed on the basis of net income."

This section has been amended to provide for computation of income on the basis of net income and pertains to Aid to Partially Self-Supporting Blind Residents. Net income means that amount which remains after allowing for all normal items of expense incident to its receipt. (See Manual of Policies and Procedures, Section 151-00, "Definition of Income").

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
June 29, 1943

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ROUTE 1, BOX 55
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1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

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922 J. STREET
MODESTO

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14,9 BROADWAY
OAKLAND

DEPARTMENT BULLETIN NO. 219

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: Old Age Security
Agricultural Labor

Federal Legislation

United States Public Law No. 45, as amended, will become operative in California on July 1, 1943, and reads in part as follows:

"(f) Notwithstanding provisions of Title I of the Social Security Act, as amended (relating to grants to States for old-age assistance), and of appropriations for payments thereunder, in any case in which any State pays old-age assistance to any individual at a rate not in excess of the rate of old-age assistance paid to such individual during the month of July 1943, any failure to take into consideration any income and resources of such individual arising from agricultural labor performed by him as an employee, or from labor otherwise performed by him in connection with the raising or harvesting of agricultural commodities, after the date of enactment of this joint resolution and prior to the seventh calendar month occurring after the termination of hostilities in the present war, as proclaimed by the President, shall not be a basis of excluding payments made to such individual in computing payments made to States under Section 3 of such title, of refusing to approve a State plan under Section 2 of such title, or of withholding certification pursuant to Section 4 of such title."

California Legislation

The Old Age Security law of California effective July 1, 1943 includes under Section 2020.05:

"For the purposes of Section 2020, earnings of an applicant shall not be deemed income or resources of the applicant, and shall not be deducted from the amount of aid to which the applicant would otherwise be entitled.

"This section shall take effect if and when amendments to the Federal statutes or rules and regulations of the Federal Social Security Board take effect permitting this State to give effect to this section without thereby rendering this State ineligible to receive Federal grants-in-aid for old-age assistance in this State."

In accordance with the following regulations, income from agricultural labor shall not be deducted from Old Age Security grants after July 1, 1943.

I. The Definition of Agricultural Labor to be used is that set forth in the following provisions from other codes:

Section 1607, Internal Revenue Code reads:

"Agricultural Labor.—The term 'agricultural labor' includes all services performed:

"(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

"(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

"(3) In connection with the production or harvesting of maple syrup or maple sugar or any commodity defined as an agricultural commodity in Section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

"(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect

to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

"As used in this subsection, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards."

U. S. Code--Title 29--Labor--Fair Labor Standards Act reads:

"Section 203(f) 'Agriculture' includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(g) of Title 12 as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

These definitions include:

"1. Agricultural Labor includes: (a) persons working on a farm; (b) persons working in conjunction with the farm and incidental to the farming operation, including trucking, packing, and drying as done by the farmer himself or by his employee or by the employee of a contractor who has contracted to do the work on a farm or in conjunction therewith or incidental thereto.

"2. Agricultural Labor does not include: (a) work performed in canneries, packing houses, drying sheds, box-making, etc., unless performed on the farm by the owner or tenant thereof or his employees."

II. Rate of payment means the amount of Old Age Security paid in and during the month of July. Therefore, any payment made subsequent to July although for the month of July is not to be included in determining the amount of Old Age Security paid in July for the purposes of Public Law No. 45, as amended.

III. Persons who did not receive a grant of Old Age Security in the month of July, whether or not the persons had received Old Age Security prior to the month of July, are not eligible to the exemption as provided in Public Law No. 45, as amended.

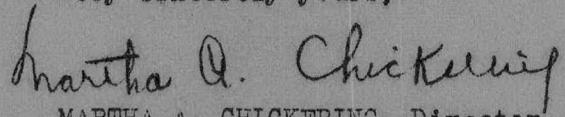
IV. Persons receiving a grant of Old Age Security in the month of July and who receive an increase in such grant subsequent to the month of July, will, beginning with the month in which the increase is made, no longer be eligible to the exemption as provided in Public Law No. 45, as amended.

V. Persons who receive a grant of Old Age Security in July and whose grant is subsequently discontinued and restored are eligible to exempt agricultural income if the aid paid upon restoration is in an amount equal to or less than the grant paid in July; if the amount granted when aid is restored is greater than the amount paid in July, such person is not eligible to the exemptions provided for in Public Law No 45, as amended.

VI. If reductions have been made in the July grant because of income received within the "current income" period, any subsequent increase in the grant precludes the exemption as provided in Public Law No. 45, as amended.

VII. Exempt income from agriculture as provided in Public Law No. 45, as amended, may be in any amount, and such income will not affect the amount of aid granted, however, any amount of such earnings or income remaining on the first of the following month after its receipt becomes personal property.

Very sincerely yours,



MARTHA A. CHICKERING, Director
Department of Social Welfare

(Authority: Sec. 2020.5 and 2140, Welfare and Institutions Code)

MAIN OFFICE
SACRAMENTO
616 K STREET

Earl Warren
Governor

STATE OF CALIFORNIA

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

July 14, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

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LINDSAY

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1419 BROADWAY
OAKLAND

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922 J STREET
MODESTO

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very truly yours,

Marta A. Chickering

MARTHA A. CHICKERING, Director
Department of Social Welfare

172:786

Encls.

FILED

In the office of the Secretary of State
of the State of California

JUL 15 1943

FRANK M. JORDAN, Secretary of State

By *John Griswold* Dep't

1943 JUL 14 PM 4 23

FOR VICTORY



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SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
July 7, 1943

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MRS. MARY E. BARKWILL
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LINDSAY

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEO
922 J. STREET
MODESTO

HEBER BROWN
1449 BROADWAY
OAKLAND

Subject: Old Age Security
Current Income as it Relates
to Agricultural Income

DEPARTMENT BULLETIN NO. 219-A

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Income derived from agricultural labor (Public Law #45 as amended) and received within the two months immediately preceding July 1943 shall be interpreted as agricultural income received in July. In the normal application of the current income policy to situations involving agricultural income, therefore, reduction in the July grant or discontinuance of aid shall not be necessary due to agricultural income received in May and/or June.

Example: It is learned that in May and/or June a recipient had earnings from picking apricots. This income was received within two months immediately preceding the month of July and was, therefore, received within the current income period. It represents "current" income from agriculture, and no reduction in the grant for July, or discontinuance of aid, is necessary.

In any case in which the grant for July 1943 was reduced due to adjustment because of income falling within the definition of agricultural income as set forth in Bulletin #219 and such income was received in May and/or June, a supplementary payment to the extent of the deduction, after action by the board of supervisors, shall be delivered to the recipient in July if possible. Otherwise an increase in the payment subsequent to July will preclude the recipient from any benefit under the new program of exemption of agricultural income.

Adjustments for excess aid paid in May and/or June due to receipt of income from agriculture may be made through collection from such resources as the recipient may have other than the income including the grant to which he is currently eligible to meet his total need.

(Authority: Sec. 2020.5, Welfare
& Institutions Code)

Very sincerely yours,

Martha A. Chickerling
MARTHA A. CHICKERING, Director
Department of Social Welfare

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HENES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

SOCIAL WELFARE BOARD
ARCHIBALD B. YOUNG, CHAIRMAN
808 S. SAN RAFAEL AVENUE
PASADENA

MRS. MARY E. BARKWILL
ROUTE 1, BOX 55
LINDSAY

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEO
922 J. STREET
MODESTO

HEBER BROWN
1449 BROADWAY
OAKLAND

DEPARTMENT BULLETIN NO. 220

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: Categorical Aid Cases Closed
Because of Receipt of Allotments
and Allowances to Dependents of
Men in the Armed Forces

In order that accurate reports on case closings may be made to the Social Security Board discontinuances of aid due to receipt of allotments and allowances to dependents of men in the armed forces must be clearly identified as such on the forms Ag, Bl, and CA 232. Notice of Change.

The following instructions supplement those given in Secs. 362-40 and 363-10 of the Manual of Policies and Procedures and become effective immediately.

In OAS, ANB, and APSB do not check items D10, D11 or D13 when aid is discontinued because of receipt of allotments and allowances to dependents of men in the armed forces.

When aid is discontinued for this reason, check item D19 for OAS, or item D20 for ANB or APSB and indicate the specific reason for discontinuance in the space provided regardless of the identity of the service man on whose account the allotment or allowance is made.

In ANC when the principal reason for discontinuing aid is "receipt of allotments and allowances to dependents of men in the armed forces" check item E1H rather than some alternative item; for example, item E1G or item E5.

(Authority: Sec. 1561, 2189
and 3091, Welfare
& Institutions
Code)

Very sincerely yours,

Marta A. Chickering
MARTHA A. CHICKERING, Director
Department of Social Welfare

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
July 20, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

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HEBER JAMES BROWN
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OAKLAND

JOHN C. CUNEO
922 J STREET
MODESTO

MRS. T. G. EMMONS
POST OFFICE BOX 12
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1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

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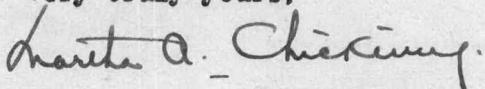
IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of a regulation, currently effective, made by the State Department of Social Welfare.

This regulation is filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very truly yours,



MARTHA A. CHICKERING, Director
Department of Social Welfare

172:786
Attachments

1943 JUL 22 AM 11 13

FILED
In the Office of the Secretary of State
of the State of California
JUL 22 1943
FRANK M. JORDAN, Secretary of State
By John of Right Deputy

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SACRAMENTO
616 K STREET

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WASHINGTON BLDG.
311 SOUTH SPRING STREET

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DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
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STATE OF CALIFORNIA

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MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
July 12, 1943

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LINDSAY

MRS. T. G. EMMONS
POST OFFICE BOX 12
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WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEO
922 J STREET
MODESTO

HEBER BROWN
1419 BROADWAY
OAKLAND

DEPARTMENT BULLETIN NO. 221

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: Public Assistance
Property Sold Under Contract of Sale

Attorney General's Opinion NS 4943 released with Circular Letter No. 236 on July 2, 1942, held that monies received from property sold under contract of sale represent conversion of personal property rather than income. The Social Welfare Board on June 23, 1943, adopted the attached revisions to the Manual of Policies and Procedures in order to bring rulings into line with the content of the Opinion. Pending the issuance of the usual printed Manual revisions, the revised sections are released herewith in mimeographed form so that wherever possible adjustments may be made in the July grants in accord with these provisions.

In cases in which monies received from a contract of sale were deducted when determining the amount of the July grant, after action by the board of supervisors, a supplementary payment to the extent of the deduction shall be delivered to the recipient in July, if possible.

Example 1: Total Need Determined under OAS Budgetary Method

Total need as of 7/1/43 of an OAS recipient	\$58
Income from contract of sale	15
Grant of aid	\$43

If, after appropriate action by the board of supervisors, the \$7 supplemental warrant to the which the recipient is eligible is paid in July, \$50 will represent the amount of aid paid in July. This amount will govern in applying the provisions of Department Bulletin No. 219 relating to agricultural income under Public Law No. 43 as amended.

In accord with the provisions of Opinion NS 4943, the payment (other than interest) received from a contract of sale no longer is considered income and the recipient is entitled to receive his grant of Public Assistance without deduction because of the return received from the contract of sale.

Example 2: Grant Determined on Flat Grant Basis (\$50 minus income)

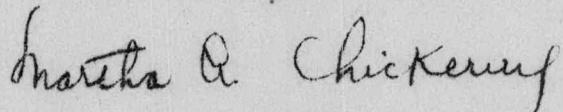
Income

Payment received from contract of sale	\$15	Basic Needs	\$50
Value of occupancy	4	Income	19
Total Income	\$19	Grant	\$31

Under the revised Manual provision the recipient is eligible to receive \$46 (\$50 - \$4 occupancy value). After appropriate action by the board of supervisors, a \$15 supplemental warrant to bring the recipient's grant for July to \$46 is paid in July. In Old Age Security this amount will govern in applying the provisions of Department Bulletin No. 219.

As outlined in Bulletin No. 219, dealing with Old Age Security, page 3, an increase in the payment subsequent to July will preclude the recipient from any benefit under the new program of exemption of agricultural income. It is, therefore, important that adjustment of aid to conform to the revised rulings be made in July, if possible.

Very sincerely yours,



MARTHA A. CHICKERING, Director
Department of Social Welfare

Attach.

(Authority: Sec. 1560, 2140, and 3075 of the Welfare and Institutions Code)

MANUAL OF POLICIES AND PROCEDURES

Personal Property Chapter

Sec. 141-00 Types of Personal Property
OAS; ANB; APSB

All property which is not real property is personal property. The following types of holding shall be considered when determining the value of the applicant's personal property.

1. Cash on hand, in a bank, in postal savings, or in a safe deposit box, stocks, bonds, notes, mortgages, deeds of trust, livestock and fowl, farm or other implements, vehicles, jewelry and other items of similar character. In ANB and APSB household goods other than that which is determined to be inconsequential resource, is considered personal property. "In OAS clothing, furniture, household equipment, foodstuffs, and fuel used primarily for commercial purposes or profit and not customarily used by the recipient and his immediate family are considered personal property. It is the presumption which may be refuted that the furniture in the home of the applicant or recipient is not personal property."
2. The net cash surrender value of any insurance policy of less than five years' standing;
3. The net cash surrender value of that portion of an insurance policy or policies in effect 5 years or more which exceeds a net value at maturity of \$1,000 (see Sec. 143-82, Definition of Insurance Terms);
4. Dividends on insurance policies left on deposit with the company and available to the applicant upon demand;
5. The value of a commercial or other business enterprise;
6. Proceeds received by recipients from the following sources:
 - a. Payments received because of judgments or nonrecurring lump sum payments received because of compensation laws.
 - b. Personal property received through inheritance, either by will or succession (see Secs. 132-52, Undistributed Estates, and 144-10, Determination of Personal Property Value of Undistributed Estates);
 - c. Cash received in a lump sum by the insured from the surrender or maturing of insurance policies;
 - d. Cash received by the recipient as beneficiary of an insurance policy or policies carried by the spouse;

7. Proceeds resulting from conversion of property:
 - a. The return, exclusive of interest, dividends, etc., resulting from the sale of real or personal property.
 - b. The proceeds resulting from the sale of an entire holding of livestock, poultry, etc. (See Sec. 146-00, Conversion of Property.)
8. The lessee's interest in lease of real property for a period of years;
9. An heir's interest in an undistributed estate only when the property in the undistributed estate is in fact personal property and is available to the recipient prior to distribution.

The fact that the personal property is held in another State or country is not occasion for disregarding it when determining eligibility.

MANUAL OF POLICIES AND PROCEDURES

Personal Property Chapter

Sec. 141-05 Types of Personal Property
ANC

Personal property considered in determining eligibility in ANC is restricted to cash and securities. Cash includes commercial or savings accounts, postal savings, and building and loan accounts. Securities include current net cash surrender value of insurance and market value of stocks, bonds, notes, mortgages, deeds of trust, etc. Securities also include an heir's interest in an undistributed estate when the property in the undistributed estate is in fact cash and/or securities and is available to the recipient prior to the distribution.

The following shall be considered as personal property immediately upon receipt and thereafter:

1. Cash received in a lump sum from the surrender or maturing of insurance policies owned by parents or children;
2. Cash received as beneficiary of an insurance policy of a spouse;
3. Payments received because of judgments or non-recurring lump sum payments received because of compensation laws;
4. Cash or securities received by inheritance, either by will or by succession (see Secs. 132-52, Undistributed Estates, and 144-10, Determination of Personal Property Value of Undistributed Estates);
5. Proceeds, exclusive of interest, from the conversion of personal property, such as the sale of stocks or bonds, or the sale of real property;
6. The proceeds resulting from the sale of an entire holding of livestock, poultry, etc. (See Sec. 146-00, Conversion of Property.)

The fact that the personal property is held in another state or country is not occasion for disregarding it when determining eligibility.

Monies received from any of the following sources shall be considered as income for the month received. The amount which remains from any such income as of the first of the following month shall be considered as personal property subject to the limitations of the law.

1. Proceeds from farm crops;
2. Commissions;
3. Non-recurring accumulated pension funds;
4. Regular periodic compensation payments both industrial and unemployment;
5. Annual rentals for farm lands;
6. Earnings of personal property such as interest or dividends.
7. Cash received by eligible children as beneficiaries of an insurance policy, or by parents, except when such parent is a beneficiary of a spouse's insurance policy.

MANUAL OF POLICIES AND PROCEDURES

Personal Property Chapter

Sec. 146-00 Conversion of Property

OAS; ANB; APSB; ANC

Real property may be converted to personal property, and vice versa, without causing ineligibility provided the real or personal property received together with other real or personal property holdings are not in excess of the maximum permitted by the respective category of aid. Aid shall be discontinued when the total holdings exceed the maximum permitted. (See Secs. 134-10, Real Property Sold by Recipient, and 134-15, Acquisition of Real Property by Exchange.)

Personal property of one type may be converted into personal property of another type, and eligibility continue, so long as the value of personal property holdings does not exceed the maximum for the particular category of aid, e.g., the exchange of stocks and bonds for cash, or in OAS, ANB, and APSB the exchange of equipment for a car and vice versa.

The following represents some types of conversion of property from one form to another: (See Sec. 141-00, Types of Personal Property.)

1. Principal payments on property sold under contract of sale.
2. Indemnity payments for land taken over by the Government through exercise of the right of eminent domain.
3. Payment received for Indian allotments sold by the U. S. Government upon the petition of the Indian for whom the property is held in trust.
4. Lump sums received from the maturing of life insurance policies, or surrender of them for their cash value.

MANUAL OF POLICIES AND PROCEDURES

Income Chapter

Sec. 152-00 Net Income from Real Property

OAS; ANB; APSB; ANC

Net income from real property, other than the net value of occupancy of homes owned by recipients of OAS, ANB, and APSB, is that income which is available for the support of the applicant or recipient, or in ANC, the child or children, after deducting any reasonable expense in obtaining it, such as taxes, interest, upkeep, and the assessments. (See Sec. 152-10, Occupancy Value of Homes Owned by Recipients.) Upkeep shall be computed on the basis of actual expenditures rather than upon a set figure unrelated to actual expenses. Principal payments on encumbrances are not deducted when determining net income from real property except as provided in Sec. 152-10. For exception in principal payments in APSB see Sec. 151-90, Income from Crops or Other Agricultural Products.

Net rental from property in which life estate is held shall be considered income. Net rental paid by one who is a responsible relative of the owner or the life tenant is interpreted as rental from property owned rather than as a contribution from a responsible relative.

Under the ordinary life estate agreement the life tenant is assured occupancy of the property, is entitled to all the income therefrom and is responsible for payment of taxes, upkeep and other obligations to keep the property in good condition. In OAS, ANB, and ANC, when expense items for which the life tenant is responsible are paid by another, the amount thereof represents income. In APSB, when expense items for which the life tenant is responsible are paid by a responsible relative, the amount thereof represents "non-exempt" income; if paid by a non-responsible relative, such income represents "exempt" income.

Payments made in accord with a life estate agreement which stipulates that the remainderman shall be responsible for the payment of certain expenses do not represent contributions to the life tenant. When property in which life estate is held was encumbered by the remainderman either before or after the creation of the life estate, encumbrance payments made by the remainderman shall not represent income to the life tenant.

When the existing life estate agreement is a verbal agreement only, it is advisable that it be confirmed in a notarized written statement signed by the remainderman and the life tenant and that a copy of such agreement be filed in the county welfare department record.

In OAS and ANB, the value of the free use and occupancy of property during the statutory redemption period of one year following a foreclosure sale represents income. In APSB, when the purchaser in the foreclosure sale is a responsible relative, the value of the free use and occupancy of the property is "non-exempt" income. When the purchaser is other than a responsible relative, the value of the free use and occupancy of the property is "exempt" income.

That portion of payments from the sale of real property, sold under contract of sale, title not passing, which represents principal payments is considered conversion of property from one form to another. (See Sec. 146-00, Conversion of Property.) Any interest included in such payments represents income. Allowance shall be made for interest payments on prior encumbrances, in order to determine the amount of net income.

Net income from real or personal community property shall be shared equally with the spouse, whether eligible or ineligible. This does not apply to income from separate property owned by either spouse.

MAIN OFFICE
SACRAMENTO
616 K STREET

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WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento

July 22, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

SOCIAL WELFARE BOARD
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1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA
BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very sincerely yours
MARTHA A. CHICKERING
MARTHA A. CHICKERING, Director
Department of Social Welfare

52:219
Encs.

1943 JUL 24 AM 8 36

FILED
In the office of the Secretary of State
of the State of California
JUL 24 1943
FRANK M. JORDAN, Secretary of State
By *John M. Hayes* Deputy

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

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DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

Miss MARTHA A. CHICKERING
DIRECTOR
Sacramento
June 29, 1943

SOCIAL WELFARE BOARD
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JOHN C. CUNEO
922 J. STREET
MODESTO

HEBER JAMES BROWN
1440 BROADWAY
OAKLAND

1297

MANUAL LETTER NO. 40

You receive herewith Institution Inmates Chapter, Revisions 14 and 15, Personal Property Chapter, Revisions 25 and 26, and Residence Chapter, Revision 28.

Your attention is directed particularly to the following:

SEC. 120-25 is a change in department policy regarding the effect of dependency on residence.

SEC. 145-10 under certain circumstances personal property acquired through inheritance may be considered to be encumbered.

SEC. 146-05 has an addition regarding action to vacate judgment and its effect in determining eligibility pending court action.

SEC. 164-20 relating to eligibility for temporary medical care has been changed to allow for certain exceptional cases.

All above revisions become effective immediately. All actions by Boards of Supervisors on applications and Notices of Change 90 days or later from the date of issuance of these revisions shall be in accord with them.

The following revision becomes effective immediately and actions by Boards of Supervisors are to coincide.

SEC. 164-10 relating to eligibility for temporary medical care has been changed to cover the new provisions of the law as it becomes effective July 1, 1943, and to allow for certain exceptional cases.

STATEMENTS CONTAINED IN THE MANUAL TAKE PRECEDENCE
OVER SAME MATERIAL PREVIOUSLY RELEASED IN BULLETINS

120-30 **Sec. 120-30 Residence of Married Woman** **W&IC SEC. 52; C. C. SECS. 103; 104; 156; W&IC SECS. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460**
OAS; ANB; APSB; ANC

Under the general laws, residence of the husband determines that of the wife and the residence of an adult or minor married woman follows that of her husband. If the husband dies, the widow, though still a minor, would determine her own residence. A husband, however, is deemed to reside where his family has residence unless he establishes a separate residence elsewhere by act and intent.

The foregoing is not intended to imply that a woman, upon marriage, assumes her husband's prior length of residence. Such a woman would not be eligible to aid unless she personally had met residence requirements set forth in the specific category of aid for which she is applying.

Specific exceptions to the general principles mentioned in the preceding paragraph are written into the laws governing OAS, ANB, APSB, and ANC. These exceptions are discussed in Sec. 120-32, Residence of Married Woman Under OAS Law; in Sec. 120-33, Residence of Married Woman Under ANB and APSB Laws, and in Sec. 122-10, ANC—Determination of County of Residence.

120-32 **Sec. 120-32 Residence of Married Woman Under OAS Law** **W&IC SECS. 2140; 2141; 2161**
OAS

A woman applicant for OAS may establish her own separate residence if she is in fact living separate and apart from her husband.

Example a: Husband is living in County A, wife is applying for OAS in County B. Investigation reveals that wife came to County B in 1935 intending to make her residence there. Wife is resident of County B, application is granted by that County if she is otherwise eligible.

Example b: Woman came to California in January, 1937, and has remained here continuously with intent of maintaining her residence in California. Husband joined her in California in 1939. Woman applies for OAS in February, 1942, and has completed the required period of State residence at that time.

120-33 **Sec. 120-33 Residence of Married Woman Under ANB and APSB Laws** **W&IC SECS. 3042.10; 3075; 3433; 3460**
ANB; APSB

For the purpose of receiving aid under ANB or APSB law, neither the domicile nor residence of husband or wife shall be deemed to be the residence or domicile of the other. Each may have a separate residence or domicile, dependent upon proof of the fact and not on legal presumptions. In other words, in the absence of proof that husband and wife have separate residence status, they may be presumed to have but one which would be determined in accordance with the general laws regarding residence. (See Sec. 120-30, Residence of Married Woman.)

120-35 **Sec. 120-35 Residence of Illegitimate Child** **POL. C. SEC. 52; W&IC SECS. 1525; 1526; C. C. SEC. 200**
ANC

The mother of an illegitimate unmarried minor is entitled to its custody in the absence of court action to the contrary.

If the mother is an unmarried minor, her county residence would be determined by the parent, guardian or court having custody, and her residence would determine that of her child or children.

ANC State residence requirements may be fulfilled by child's California birth, by child's physical presence in California for year immediately preceding date of application, or by mother's residence in California for year immediately preceding date of application. If paternity has been established, ANC State residence may be established by the father.

121-00 **Sec. 121-00 State Residence, General** **W&IC SECS. 1525; 2160(c); 3040; 3041; 3043; 3430; 3431**
OAS; ANB; APSB; ANC

State residence is a requirement for eligibility to OAS; for eligibility to ANB and APSB, either at the time of becoming blind or during a specified period prior to application; and for eligibility to ANC for all children not born in California.

121-05 **Sec. 121-05 State Residence—OAS** **W&IC SEC. 2160(c) (2)**
OAS

All applicants for OAS, to be eligible to this aid, must reside in this State and have so resided continuously for at least one year immediately preceding date of application and for a total of five years which may be cumulative within the nine years immediately preceding date of application.

Sec. 120-00 Residence, General POL. C. SEC. 52; W&IC SECS. 103; 103.5; 103.6; 1527; 1560; 120-00
OAS; ANB; APSB; ANC 2141; 2200; 3075; 3090; 3450; 3460

Certain residence qualifications as a condition of eligibility are required in all four categorical aids. These requisites vary according to provisions set forth in the statutes for each aid. However, "residence" is not defined in any of the four aid laws. Therefore, the word "residence" and its derivatives "reside" and "residing" are interpreted in accordance with provisions of the general laws, except as they conflict with specific provisions of the Welfare and Institutions Code. "Residence" does not connote any particular length of residence which would qualify a person for aid. The concepts that follow should be considered in determining State and county residence for the four categorical aids.

1. Residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
2. There can be only one residence.
3. A residence can not be lost until another is gained.
4. Residence can be changed only by union of act and intent.

Sec. 120-05 Guides for Determining Whether Residence Established POL. C. SEC. 52; W&IC SECS. 120-05
OAS; ANB; APSB; ANC 103; 103.5; 103.6; 1560; 2140; 2141;
3075; 3460

Before residence is gained, it is necessary that there be physical presence and intent to establish domicile in a certain place. The factor of intent involves, as a prerequisite, ability to make a choice. Therefore, anyone entering the State without such ability could not establish a residence here. This would include persons brought into the State under arrest, such as Federal prisoners destined for Alcatraz or for county jails functioning as Federal prisons; persons extradited from other states in which they had established residence; escaped prisoners; paroled prisoners; and others of similar status.

Exceptions to foregoing are ANB and APSB applicants who are deemed to reside in California during any periods when as minors they are physically present in this State, and ANC children not born here who fulfill residence requirements by their own physical presence in California during the year immediately preceding date of application. Intent is irrelevant in such cases.

Voluntary physical presence in this State for any considerable length of time may indicate intent to reside here. In absence of evidence to the contrary, it may be deemed that residence begins as of the date of entry in computing length of residence for parents of children not born in California; for ANB and APSB applicants not California residents at time they became blind; and for OAS applicants.

The guides for determining whether residence was lost or retained by residents of California while absent from the State are applicable in converse to residents of other states who are present in California. (See Sections 121-45 to 121-95.)

Sec. 120-10 Residence—How Lost POL. C. SEC. 52; W&IC SECS. 1527; 2200; 3090; 3450; 120-10
OAS; ANB; APSB; ANC 103; 103.5; 103.6; 1560; 2141; 3075; 3460

Residence, once gained, can be lost only when act and intent again coincide, and a new residence is established. "Residence" does not connote a period of residence which would qualify a person for any particular kind of aid in this or another state, but means legal residence as defined in Sec. 120-00, Residence, General.

Sec. 120-25 Effect of Dependency on Residence POL. C. SEC. 52; W&IC SECS. 103; 103.5; 103.6; 120-25
OAS; ANB; APSB; ANC 1560; 2140; 2141; 3075; 3460.

Dependency or receipt of aid or relief through any county in this State is an irrelevant factor in determining residence for purpose of OAS, ANB, APSB or ANC.

Assistance may not be denied an applicant solely because he received aid or relief from another state or one of its political subdivisions while physically present in this State. When residence in another state or its subdivision is a condition to the granting of aid or relief, this may be considered as evidence indicating an intent to retain residence in that state. Such evidence may be refuted by other evidence indicating an intent to establish residence in this State. In cases of conflicting evidence, a preponderance of evidence is accepted.

146-05 Sec. 146-05 Judgments and Compensation as Personal Property W&IC SECS. 1560; 2140; 2141; 3075; 3460

OAS; ANB; APSB; ANC

A lump sum received in payment of a judgment or as the result of compensation laws represents personal property. The amount received shall be ascertained and when the personal property holdings including the lump sum do not exceed the maximum for the particular category of aid, there is no occasion for interruption of aid.

When weekly or other periodic payments are received as benefits under the provisions of compensation laws, such payments represent income rather than personal property.

When there has been an execution of a judgment, the amounts derived from such execution are considered personal property.

The value of a judgment which has not been executed shall be considered in determining eligibility under personal property requirements of the respective category of aid. When the judgment is against a solvent corporation, the value of the judgment shall be considered equal to the amount of the judgment. When the judgment is against some one other than a solvent corporation, the county shall determine the ability of the judgment debtor to pay after a complete financial investigation, e.g., a credit report, has been secured on the judgment debtor. Determination of ability to pay rests within the discretion of the county.

When the judgment debtor or his property cannot be located, the judgment can not be executed, or the judgment creditor has the judgment vacated, the value of the judgment shall not be considered in determining eligibility.

When a judgment is the subject of an action brought by the judgment debtor in a higher court to vacate the judgment, and the judgment creditor is prohibited from executing the judgment, that portion of the value of the judgment remaining unsatisfied shall not be considered in determining eligibility during the pendency of such court action.

A cash settlement accepted in lieu of a judgment is considered personal property.

Sec. 145-10 Personal Property Acquired by Inheritance

PROB. C. SEC. 300; W&IC SECS. 103; 103.5;

OAS; ANB; APSB; ANC

145-10

The value of personal property acquired through inheritance shall be taken into account together with the value of other personal property holdings in determining eligibility in accordance with the provisions of the respective category of aid. (See Sec. 144-10, Determination of Personal Property Value of Undistributed Estates.) Exception: When the recipient receives, through the death of the spouse, personal property which was held in joint tenancy, or is the beneficiary of insurance of a spouse or in ANC a child, such property or funds may be considered as being encumbered or charged with the funeral expenses of the deceased. When verification has been made that all or a portion of such property or funds has been used, in a reasonable amount, to defray such expenses, property or funds so used shall be deducted before determining the net value of such property or funds. Only the net value so computed, shall be considered in determining eligibility.

Sec. 146-00 Conversion of Property

W&IC SECS. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460

146-00

OAS; ANB; APSB; ANC

Real property may be converted to personal property, and vice versa, without causing ineligibility provided the real or personal property received together with other real or personal property holdings are not in excess of the maximum permitted by the respective category of aid. Aid shall be discontinued when the total holdings exceed the maximum permitted. (See Sec. 134-10, Real Property Sold by Recipient, and Sec. 134-15, Acquisition of Real Property by Exchange.)

Personal property of one type may be converted into personal property of another type, and eligibility continue, so long as the value of personal property holdings does not exceed the maximum for the particular category of aid, e.g., the exchange of stocks and bonds for cash, or in OAS, ANB, and APSB the exchange of equipment for a car and vice versa.

Real property is not converted into personal property unless title passes to the new owner. Real property sold under a contract of sale is not a conversion to personal property.

Indemnity payments for land taken over by the Government through exercise of the right of eminent domain constitute conversion of property from real to personal.

Lump sums received from the maturing of life insurance policies, or surrender of them for their cash value, represent personal property to the insured.

Payment received for Indian allotments sold by the U. S. Government upon the petition of the Indian for whom the property is held in trust, represents a conversion of property.

164-20 Sec. 164-20 Eligibility for Medical Care W&IC SECS. 3044; 3075; 3444; 3460

ANB; APSB

If a recipient of aid enters a public hospital for medical or surgical care, aid shall continue in accordance with the following provisions:

When the county determines from investigation of the facts that confinement will presumably be for a period exceeding thirty days, aid shall be discontinued as of the end of the thirty-day period.

Unless such determination has been made by the first of the month following admission to the hospital, the full month's aid for such month shall be paid.

When the county has made no such determination aid shall continue until the end of the month following the expiration of the thirty-day period.

The thirty-day period is a period of continuous care. While in receipt of aid, a person may have care more than once for a thirty-day period.

Aid shall not be granted to a recipient who returns to the hospital immediately following the thirty-day period for the same ailment which was responsible for his former hospitalization, unless the release from and subsequent return to the hospital are in accord with the recommendation of a physician.

It is possible that aid may be given legally for a period longer than thirty days.

Example: An ANB or APSB recipient entered a hospital on November 10, 1940, and left on December 15, 1940. The county first determined on December 3 that he would be in the hospital for approximately two weeks or more. He received his warrant on November 1, before he entered the hospital. On December 1 he had not had thirty days' hospital care and determination of the probable length of care had not been made. Therefore aid for December was paid.

The maximum period for which aid may be given while a recipient is in a public hospital is fifty-nine days.

164-30 Sec. 164-30 Eligibility Upon Admission to State Hospitals W&IC SECS. 2140; 2141; 2160.6; 3044; 3075; 3444; 3460

OAS; ANB; APSB

Court commitment to a State institution constitutes permanent confinement in that institution and therefore aid shall be discontinued as of the last day of the month in which the recipient enters the institution. (See Sec. 162-05, Eligibility of Public Institution Inmates.)

Aid may be continued for recipients of OAS, ANB and APSB who are admitted to a State hospital for a temporary period. The probable duration of confinement must be ascertained at the time of admission, and the regular rules with respect to continuance of aid during temporary hospitalization apply. (See Sec. 164-10, Eligibility for Temporary Medical Care in OAS, and Sec. 164-20, Eligibility for Medical Care in ANB and APSB.)

164-40 Sec. 164-40 Eligibility for Temporary Medical Care W&IC SEC. 1560

ANC

Aid shall not be granted while a child for whom aid is received is in a county institution such as a county hospital or detention home.

Aid shall be discontinued effective as of the last day of the month in which the child for whom aid is received entered the public institution.

When aid has been discontinued due to the confinement of such child in any public institution, the county may provide that aid be restored when the child ceases to be an inmate of the institution. Upon release of the child, aid may be granted for the balance of the month during which time the child was not an inmate, provided the child is otherwise eligible.

164-45 Sec. 164-45 Child Receiving Special Medical Care in Private Institution W&IC SEC. 1560

ANC

A child receiving ANC may need specialized medical care which is not available through county facilities. ANC may be continued, if the child is otherwise eligible, during the time such required care is received in a private institution.

Sec. 163-90 Eligibility of Recipient Entering Nonprofit, Fraternal or Benevolent Institution 163-90
ANB; APSB

A recipient of aid may enter a home or institution without affecting his eligibility for aid; provided the conditions set forth in Sec. 163-00 are met.

Sec. 163-92 Eligibility of Recipient Entering Private Institution W&IC SECS. 2160E; 2160.5 163-92
OAS

A recipient of aid may enter a boarding home or other institution not supported in whole or in part by public funds without affecting his eligibility for aid unless care is provided under a contract for a period of time exceeding one month. The recipient's eligibility will not be affected when the institution is a fraternal, benevolent or nonprofit organization; provided the conditions set forth in Sec. 163-00 are met.

Sec. 163-95 Inmates in Private Institutions Operated for Profit W&IC SECS. 2140; 2141; 3075; 3460 163-95
OAS; ANB; APSB

When an applicant or recipient is found to be in a private home or institution operated for profit, it is not necessary to determine the per capita cost of the institution. It is the presumption that the amount charged each resident for board and care in these homes represents the value of the commodities and services rendered to him.

Sec. 163-97 Residence, Inmates in Nonprofit, Fraternal and Benevolent Institutions 163-97
OAS; ANB; APSB

POL. C. SEC. 52; W&IC SEC. 2160.5

The inmate of a nonprofit, fraternal or benevolent institution retains residence in the county from which he came to the institution in OAS. (See Sec. 125-15, OAS Residence of Inmates of Private Institutions; Sec. 125-25, Inmate Entering Private Institution From Out of State.)

Residence requirements in ANB and APSB for inmates of nonprofit, fraternal or benevolent institutions are the same as for other applicants. (See Sec. 125-00, Residence of Inmates of Private Institutions.)

Sec. 164-10 Eligibility for Temporary Medical Care W&IC SECS. 2140; 2141; 2160E; 2160.6 164-10
OAS

A recipient of OAS who enters a public hospital for medical or surgical care is considered to be in receipt of temporary medical or surgical care if on the first of the month for which payment is due he has not been confined in the hospital for two calendar months, and aid shall be paid. When two calendar months have elapsed since the recipient was admitted, aid shall be discontinued.

Example: An OAS recipient is admitted to county hospital on July 5. It is known that he will probably remain in the hospital for many months. Aid is payable for August and for September because on the first of either month he had not been in the hospital for two calendar months. Aid is discontinued September 30.

When the recipient enters the hospital on the first day of the month the aid shall be discontinued effective as of the last day of the next calendar month, irrespective of the probable period during which he may remain in the hospital.

Example: An OAS recipient is admitted to county hospital on July 1. Aid is payable for July and August but is not payable for September, because on September 1 the recipient had already been in the hospital for two calendar months. Aid shall be discontinued August 31.

Federal reimbursement is allowed for aid paid during two calendar months of confinement in a public hospital only when a determination was made that hospitalization was for a temporary period. Determination regarding the probable period of hospitalization shall be made immediately upon receipt of notification that the recipient has entered the county hospital in order to determine whether Federal funds may be claimed.

Periods of temporary hospitalization may recur, but aid shall not be paid to a recipient who returns to a hospital immediately following a temporary period of hospitalization for the same ailment which was responsible for his former hospitalization, unless the release from and subsequent return to the hospital are in accord with the recommendation of a physician.

An OAS recipient who enters a private hospital may continue to receive aid while in the hospital provided he is otherwise eligible. The two calendar month limitation does not apply to private hospital care.

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SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

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DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING
1943 JUL 30 AM 11 03
DIRECTOR

Sacramento
July 29, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

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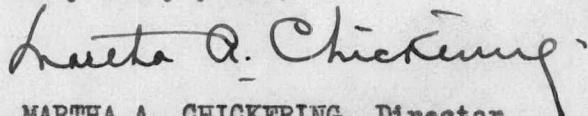
IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulation, currently effective, made by the State Department of Social Welfare.

This regulation is filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very truly yours,



MARTHA A. CHICKERING, Director
Department of Social Welfare

172:786
Attachments 3

FILED
In the Office of the Secretary of State
of the State of California
JUL 30 1943
FRANK M. JORDAN, Secretary of State
By *Chickering*

50 AM 10 30 JUL 30 1943

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616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BLDG.
995 MARKET STREET

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GOVERNOR
STATE OF CALIFORNIA

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PASADENA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
July 21, 1943

MRS. MARY E. BARKWILL
ROUTE 1, BOX 55
LINDSAY

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

DEPARTMENT BULLETIN NO. 222

JOHN C. BUNES
922 J. STREET
MODESTO

HEBER JAMES BROWN
1440 BROADWAY
OAKLAND

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: Tuberculous Father Classification
Aid to Needy Children

The following amended policy was adopted at the May meeting of the Social Welfare Board and becomes effective immediately.

"Amended Statement of Policy in ANC Involving the Tuberculous Father (TBF Classification).

"A father, who is reported by the examining physician to be suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, is considered to be gainfully employed if he is earning more than his share of the family budget or more than enough to care for his needs if he is living outside the home except that, on written recommendation of the examining physician, a trial work period will be permitted to enable the physician to determine whether the work is harmful and should be discontinued. The trial work period shall not exceed 90 days without further written recommendation by the physician for such extension. During the trial work period, the children would continue to be eligible under the TBF Classification except for those months in which the father's actual earnings, together with other income, exceed the budgetary needs of the family."

This does not affect the provisions of Section 196-20, which provides that Aid to Needy Children may continue in TBF and CIF cases on the basis of the physician's statement concerning incapacity while a father is being re-trained under a rehabilitation program.

Sections of the Manual of Policies and Procedures affected by this amended policy will be revised as soon as administratively possible.

(Authority: Sec. 1500 and 1560
Welf. & Institutions
Code)

Very sincerely yours,

Martha A. Chickering
MARTHA A. CHICKERING, Director
Department of Social Welfare

FFICE
IENTO
STREET

ELES OFFICE
WAS STON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

August 6, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

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LINDSAY

HEBER JAMES BROWN
1419 BROADWAY
OAKLAND

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922 J STREET
MODESTO

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
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IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulation, currently effective, made by the State Department of Social Welfare.

This regulation is filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very truly yours,

Marta A. Chickering.

MARTHA A. CHICKERING, Director
Department of Social Welfare

172:786
Attachments 3

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In the Office of the Secretary of State
of the State of California

AUG 9 - 1943

FRANK M. JORDAN, Secretary of State

By *Chas. J. Staggs* Deputy

1943 AUG 9 AM 11 36



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616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

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DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

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ARCHIBALD B. YOUNG, CHAIRMAN
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ROUTE 1, BOX 55
LINDSAY

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEO
922 J STREET
MODESTO

HEBER BROWN
1419 BROADWAY
OAKLAND

Subject: Old Age Security
Agricultural Labor

DEPARTMENT BULLETIN NO. 219-B

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

The following policies relating to "agricultural labor" were passed by the Social Welfare Board on July 29, 1943:

Definition of Agricultural Labor

When in the interpretation of Section 1607, Item 4, of the Internal Revenue Code, question arises as to whether or not the employment is in agricultural labor, determination shall be made upon the basis of the employee's status as an "insured" worker in the OASI program--i.e. if no payroll deduction for OASI is made in the case of the particular employee, such worker shall be considered to be employed in agricultural labor; if such deduction is made the income shall not be considered to have been received from agricultural employment.

Employment Not Specifically Covered by Definition of Agricultural Labor

If in the individual case the employment is such that it is not specifically covered by the general definition of "agricultural labor," yet in the county's judgment the employment should be so considered, the person may be deemed to be employed in agricultural labor while the specific situation is referred to the State Department of Social Welfare and until the county is advised of a decision to the contrary.

Recording of Data on Agricultural Income

In each case in which a determination is made that the income received is from agricultural labor, the case record shall show all of the facts which led to the conclusion that the employment is "agricultural labor." Ordinarily the facts as reported by the recipient are basis for the determination that the employment is agricultural labor within the definition of Public Law #45 as amended, independent investigation being necessary only when doubt arises as to the nature of the employment. If such independent investigation is necessary information shall be

requested of the recipient as to the date the employment began, the earnings and the date the employment terminated, and the facts as reported by him should be included in the case record.

Agricultural Income of Married Couples

1. Married Couple Operating Farm

Each of a married couple shall be considered to have a 1/2 share in the net income from crops or other farm products produced on property owned by them or on property which is rented or leased to them.

2. Ineligible Spouse Employed by Another

A recipient whose ineligible spouse has income from agricultural labor through services performed while in the employ of another shall be considered to have income from the ineligible spouse to be considered in determining the grant only to the extent of the factual contribution received, if any.

3. Couple Both Recipients, Employed by Another

When each of a couple is receiving aid and each receives income from service rendered in agricultural labor while in the employ of another, it is the presumption that each retains such income for his own use, and each shall be entitled to the benefits of Public Law #45 as amended.

The above policies are effective immediately and may be applied retroactively to decisions arising under the provisions of Public Law #45 as amended.

Very sincerely yours,

Martha A. Chickering

MARTHA A. CHICKERING, Director
Department of Social Welfare

(Authority: Sections 2020.5 and 2140 of the Welfare and Institutions Code)

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

August 20, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

SOCIAL WELFARE BOARD
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ROUTE 1, BOX 55
LINDSAY

HEBER JAMES BROWN
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OAKLAND

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922 J STREET
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MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
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BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very truly yours,

Marta A. Chickering.

MARTHA A. CHICKERING, Director
Department of Social Welfare

172:786

Attachments 3

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In the office of the Secretary of State
of the State of California

1943 AUG 23 1943

FRANK M. JORDAN, Secretary of State

Frank M. Jordan
By _____ Deputy

1943 AUG 23 AM 11 08

1943 AUG 23 AM 11 17

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Calbert L. Olson
Governor

EARL WARREN
STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
August 13, 1943

DEPARTMENT BULLETIN NO. 223

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: Current Bulletins -
Aid to the Blind

The following bulletins as they relate to Aid to Needy Blind and/or Aid to Partially Self-Supporting Blind Residents are currently in effect either in whole or in part:

48 F Supplement	List of Physicians skilled in diseases of the eye
48 G	Supplemental list of Physicians skilled in diseases of the eye
88 B	Determining the Grant When Income is Involved
98 Revised	Old Age & Survivors' Insurance Benefits
114 A	Repayments of Aid
137	Parolees from State Institutions
144 Revised	Rulings under Section 3084 of the Welfare and Institutions Code, as Amended
144 Revised A	Cancellation of Section 7, subdivision C, of Department Bulletin No. 144 Revised
144 Revised B	Need in Excess of Basic Grant, Income and Resources, Computation of Net Income from Labor and Services
187	Reimbursements to Counties
214	Income
216	ANB and APSB 1943 Amendments
218	1943 Amendments to Welfare and Institutions and Civil Codes Pertaining to the Four Categorical Aids
220	Categorical Aid Cases Closed Because of Receipt of Allotments and Allowances to Dependents of Men in the Armed Forces
221	Property Sold under Contract of Sale

All other bulletins relating to Aid to Needy Blind and/or Aid to Partially Self-Supporting Blind Residents issued prior to this date are obsolete.

Very sincerely yours,

(Authority: Section 3075, Welfare and Institutions Code)

Marta A. Chickering
MARTHA A. CHICKERING, Director
Department of Social Welfare

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR
Sacramento
August 16, 1943

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LINDSAY

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POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEO
922 J. STREET
MODESTO

HEBER BROWN
1419 BROADWAY
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DEPARTMENT BULLETIN NO. 224

COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: OAS, ANB, and ANC
Retroactive Aid

The following policy was adopted by the State Social Welfare Board
on June 24, 1943:

1. In any action pending before the State Social Welfare Department, either Board or otherwise, the latest decision on the subject by the Appellate or Supreme Court of this state shall control, regardless of whether the subject matter of the action occurred before or after such decision was rendered. However, in no case shall aid be granted prior to the effective date of the act construed in such decision.
2. In any action pending before the State Social Welfare Department, either Board or otherwise, the latest opinion on the subject by the Attorney General of this State shall control regardless of whether the subject matter of the action occurred before or after such opinion was rendered; however, in no case shall aid be granted prior to the effective date of the act construed in such opinion.
3. In any action pending before the State Social Welfare Department, either Board or otherwise, the latest rule or regulation on the subject by the State Social Welfare Board shall control regardless of whether the subject matter of the action occurred before or after such rule or regulation was made. Each rule or regulation shall be effective as of the date of adoption unless otherwise specifically set forth; however in no case shall aid be granted prior to the effective date of the act construed in such rule or regulation.

The application of the above policy shall not retroact beyond the Statute of Limitations.

Further, the State Social Welfare Board may designate in any rule or regulation the beginning date of its effectiveness.

Very sincerely yours,

(Authority: Section 114, Welfare
and Institutions Code)

MARTHA A. CHICKERING
MARTHA A. CHICKERING, Director
Department of Social Welfare

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

STATE OF CALIFORNIA

Earl Warren
Governor

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

September 7, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

SOCIAL WELFARE BOARD
ARCHIBALD B. YOUNG, CHAIRMAN
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PASADENA
MRS. MARY E. BARKWILL
ROUTE 1, BOX 55
LINDSAY
HEBER BROWN
1440 BROADWAY
OAKLAND
JOHN C. CUNEO
922 J STREET
MODESTO
MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS
WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
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1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very sincerely yours,

Marta A. Chickering.

MARTHA A. CHICKERING, Director
Department of Social Welfare

52:219

Encls.

FILED

In the office of the Secretary of State
of the State of California

SEP 8 - 1943

FRANK M. JORDAN, Secretary of State

By Chas. Grayat Deputy

FOR VICTORY



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616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
August 2, 1943

SOCIAL WELFARE BOARD
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ROUTE 1, BOX 55
LINDSAY

MRS. T. G. EMMONS
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SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEO
922 J. STREET
MODESTO

HEBER JAMES BROWN
1419 BROADWAY
OAKLAND

1297
MANUAL LETTER NO. 41

You receive herewith Welfare Personnel Standards, Revision 30, Residence-GR, Revision 2, Glossary, Revision 10, and additional material for the Income Chapter. This material is to be entered in your copy of the Manual of Policies and Procedures and the revision numbers cancelled on the separators for the revised chapters.

These revisions and the additional material for the Income Chapter, with the exception of Section 150-30, were adopted by the SSWB on June 23, 1943. Section 150-30 was adopted by the SSWB on April 28, 1943.

Your attention is directed particularly to the following:

GLOSSARY has been changed to include affidavits made before officers of the armed forces of the United States.

SECS. 071-15 and 071-20 revised to meet compensation needs of the county welfare departments under the Merit System.

STATEMENTS CONTAINED IN THE MANUAL TAKE PRECEDENCE OVER SAME MATERIAL PREVIOUSLY RELEASED IN BULLETINS.

071-00 Sec. 071-00 Establishment of Compensation Plan

WPS

The SSWB shall adopt a comprehensive compensation plan for all classes of positions. The plan shall include salary schedules for the various classes with salary of each class consistent with responsibility and difficulty of work as outlined in job specifications and shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities in like counties. With the restriction of Sec. 071-20, Salary Advancements, such compensation plan shall include, for each class of position, a minimum and a maximum rate, and intermediate rates to provide for steps in salary advancement without change of duty in recognition of meritorious service. In arriving at such salary ranges there shall be taken into consideration the advice and suggestions of appointing authorities and county officials, county ordinances or other laws, and prevailing rates of pay in other public employment and in private business, and the current cost of living.

071-10 Sec. 071-10 Adoption of Compensation Plan

WPS

The proposed compensation plan, or any changes therein, shall be submitted to the SSWB for its consideration, approval and formal adoption. Salary ranges for classes of positions shall be amended or abolished in same manner as they are adopted.

071-15 Sec. 071-15 Administration of Compensation Plan

WPS

The compensation plan shall constitute the official schedule of all salaries for all classes of positions in the county agencies. All salaries shall conform to the approved compensation plan and shall be at one of the salary levels for the class. Entrance salary for any employee shall be at minimum salary for the class to which he is appointed except that for the duration of the war emergency, appointments may be made at either one or two steps higher than the minimum salary of the compensation plan as adopted and in effect for that county agency to which incumbent is appointed, providing the following conditions apply:

1. No original appointment shall be made at a salary higher than the minimum of that class unless all persons standing higher on the eligible list who have been offered the appointment, are first offered the higher rate.
2. When an original appointment is made at a salary higher than the minimum of that class, all employees in the same class in that county agency shall be at the same or at a higher rate in the salary range at which the original appointment is made, unless the original appointment at a salary higher than the minimum for that class has been justified in accordance with this section.

When circumstances warrant, in cases of original appointment, transfers, promotions, or reinstatements upon recommendation of appointing authority, the SDSW may approve payment of a salary at more than two steps above the minimum rate for the class, provided that it is at one of the intermediate rates or at the maximum rate, but not in excess of the maximum rate for the class. In cases of original appointment, appointment may be made at the rate nearest the employee's salary prior to his appointment, but within the range for the class to which he is appointed.

071-20 Sec. 071-20 Salary Advancements

WPS

Salary advancements within an established range shall not be automatic but shall be dependent upon the specific recommendation of the appointing authority and shall be based upon standards of performance as indicated by seniority and service ratings or other pertinent data.

No advancements in salary shall be made until employee has completed at least three months of the probationary period or has attained permanent status except as provided in Sec. 074-70, Promotion During Probation.

No salary advancements shall be made for any one employee at intervals of less than six months. Regular annual or semi-annual periods following the filing of service ratings of employees shall be established for review of all employee records for the purpose of salary advancements; and salary advancements which are recommended may be made at those periods.

In cases of emergency or in cases of exceptionally meritorious service, special salary adjustments of more than one step in the range or at less than six months' intervals may be permitted upon the request of the appointing authority and with the written approval of the SDSW, provided that such salary adjustments are made within the salary range for the class.

071-50 Sec. 071-50 Character of Examinations

WPS

Examinations may be written, or written and oral, or in the form of a practical demonstration of skill and ability or any combination of these. Any investigation of education, experience, character, or identity, and any test of technical knowledge, manual skill, or physical and mental fitness which, in the judgment of the examining agency, serve to this end, may be employed.

Examinations shall be practical in nature, and shall be constructed to reveal the capacity of the applicant for the particular position for which he is competing as well as his general background and related knowledge. Examinations shall be rated objectively. In the construction of examinations for positions involving important technical functions, the examining agency shall consult with the SDSW and specialists in the various subject matter fields, such specialists selected with the advice of the SDSW.

071-55 Sec. 071-55 Types of Examinations

WPS

Examinations shall be of two types: (a) qualifying and (b) competitive, consisting of open competitive and promotional.

Qualifying examinations shall be open to the personnel of county agencies who have been continuously employed since a date prior to January 1, 1940. Each such person shall take the examination for the class to which his position is allocated by the SSWB and must attain the required standard of proficiency in order to retain his present position. Such employees will not be obliged to meet the entrance requirements established for their positions as described in Sec. 074-10, Employees Appointed Prior to Date of Adoption of These Rules.

Open competitive examinations shall be open to all persons who meet the entrance requirements established for the examinations.

Sec. 070-35 Personnel Officer

070-35

WPS

Personnel Officer shall be a staff employee of SDSW, and shall be responsible to the Director, and through the Director to the SSWB. It shall be his responsibility:

1. To develop and put into effect procedures for carrying out personnel policies;
2. To participate in the preparation of and to administer the classification plans and compensation plans;
3. To maintain personnel records of all persons employed and records of all personnel actions;
4. To request certifications of eligibles from examining agency;
5. To report to the Director on selection of eligibles, promotions, salary advancements, demotions, transfers, dismissals, resignations, and all types of appointments;
6. To affirm retention or dismissal of probationary employees at close of probationary period in accordance with specific recommendations received from appointing authority concerned;
7. To record all dismissals of probationers resulting from failure or unwillingness of appointing authority to specifically recommend attainment of permanent status for employees concerned;
8. To provide and administer a system of service ratings;
9. To make a report at least semi-annually on personnel activities of the agencies;
10. To notify examining agency, as promptly as practicable, regarding vacancies which may occur in the agencies;
11. To perform such other duties as are prescribed by these rules.

Sec. 070-50 Preparation of Classification Plan

070-50

WPS

- The SSWB shall establish a comprehensive classification plan for all positions in the classified service.

The plan shall be based on investigation and analysis of duties and responsibilities of each position and each position shall be allocated to its proper class in the classification plan. The plan shall be developed after consultation with supervisory officials, classification specialists, and persons technically familiar with the character of the work. When complete, classification plan shall include for each class of position an appropriate title, a description of duties and responsibilities, and minimum requirements of training, experience, and other qualifications.

Sec. 070-55 Adoption of Classification Plan

070-55

WPS

The proposed classification plan, and any changes therein or additions thereto, shall be submitted by the Director after review to SSWB for action. The classification plan shall, when adopted by SSWB, constitute Part II of this regulation.

Thereafter, class titles so established shall be used in all personnel and financial records, in all communications, and in all examination procedures.

Sec. 070-60 Allocation of Positions

070-60

WPS

Each position in county agencies shall be allocated to one of the classes established by the classification plan. No person shall be appointed or promoted to any position until it has been properly classified as herein provided.

All positions substantially similar as to duties performed and responsibilities exercised by incumbents of such positions and as to the qualification requirements as shown in class specifications shall be allocated to same class.

Thereafter, as additional classes are established or existing classes are abolished or changed, such necessary allocation or reallocation shall be made to new or existing classes as is necessitated thereby.

Sec. 070-65 Revision of Classification Plan

070-65

WPS

Existing classes of positions may be abolished or changed or new classes added, in the same manner as the classification plans were originally adopted.

Sec. 070-70 Incumbents of Reallocated Positions

070-70

WPS

When a position is reallocated by county appointing authority to a different class, incumbent shall not be deemed eligible to continue in the position unless he would have been eligible for original appointment, promotion, transfer, or demotion to a position of the new class while serving in the position as previously allocated. If ineligible to continue in such position, he may be transferred, promoted, or demoted by appropriate action in accordance with such provision of these rules as SSWB may deem to be applicable. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted, or demoted, the provisions of these rules regarding separations shall apply.

Sec. 070-75 Class Specifications

070-75

WPS

For each class specification established by the SSWB, the SDSW shall maintain official class specifications as approved by the SSWB.

1. Official class title.
2. Definition of the class, indicating, in terms of duties, responsibilities, and/or place in the organization, positions to be included in and excluded from the class.
3. Statement of typical tasks to be performed by those holding positions allocated to the class.
4. Statement of minimum qualifications for determining fitness and qualifications of employees for each class of position and for temporary appointments and for applicants for examinations, which may include education, experience, knowledge, skills, ability, and personal and physical traits and characteristics.
5. Additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
6. The adopted schedule of pay for the class.

150-10 **Sec. 150-10 Provisions of W. & I. Code Regarding Income in OAS W. & I. C. SEC. 2020.01**
OAS

The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, fifty dollars (\$50) per month. When the actual need of an applicant exceeds fifty dollars (\$50) per month, such applicant shall be entitled to receive aid in an amount (not to exceed fifty dollars (\$50) per month) which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

150-20 **Sec. 150-20 Provisions of W. & I. Code Regarding Income in ANB, APSB W. & I. C. SECS. 3049, 3449, 3084, 3472.**
ANB; APSB

The amount of aid to which any applicant for ANB shall be entitled, shall be when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, fifty dollars (\$50) per month. When the actual need of an applicant exceeds fifty dollars (\$50) per month, such applicant shall be entitled to receive aid in an amount, not to exceed fifty dollars (\$50) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

The amount of aid to which any applicant for APSB shall be entitled shall be, when added to the net income of the applicant from all other sources, fifty dollars (\$50) per month. Net income from any of the following sources of a combined total value not exceeding four hundred dollars (\$400) per annum shall not be considered for any purpose:

1. Income from applicant's labor or services;
2. The value of food stuffs produced by the applicant or his family for his use or that of his family;
3. The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;
4. The value of gifts other than regular contributions by relatives legally responsible under this act;
5. The value of the use and occupancy of premises owned and occupied by the applicant;
6. The net income from real and personal property owned by the applicant. Income in addition to the above specified shall be computed on the basis of net income.

Free board and lodging supplied to an applicant for ANB or APSB because of his necessity therefor, by a friend or relative who is not responsible for his support or who is financially unable to support him, shall not be a ground for refusing aid.

150-30 **Sec. 150-30 Provisions of W. & I. Code Regarding Income in ANC W. & I. C. SEC. 1523**
ANC

No child for whose specific support \$25 per month is paid, other than under the provisions of the ANC Law, is a needy child within the meaning of the ANC Law.

Sec. 150-00 Provisions, W. & I. C. Code Regarding Income W. & I. C. SECS. 1523, 2020.01, 3049, 3084, 150-00
3449, 3472

Old Age Security	Aid to Needy Blind Aid to Partially Self-Supporting Blind Residents	Aid to Needy Children
<p>The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, fifty dollars (\$50) per month. When the actual need of an applicant exceeds fifty dollars (\$50) per month, such applicant shall be entitled to receive aid in an amount (not to exceed fifty dollars (\$50) per month) which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need. (W. & I. C., Sec. 2020.01.)</p>	<p>The amount of aid to which an applicant for ANB shall be entitled, shall be when added to the income (including the value of currently used resources, but excepting casual and inconsequential resources) of the applicant from all other sources, fifty dollars (\$50) per month. When the actual need of an applicant exceeds fifty dollars (\$50) per month, such applicant shall be entitled to receive aid in an amount, not to exceed fifty dollars (\$50) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need. (W. & I. C., Sec. 3084.)</p> <p>The amount of aid to which any applicant for APSB shall be entitled shall be, when added to the net income of the applicant from all other sources, fifty dollars (\$50) per month. Net income from any of the following sources of a combined total value not exceeding four hundred dollars (\$400) per annum shall not be considered for any purpose:</p> <ol style="list-style-type: none"> 1. Income from applicant's labor or services; 2. The value of foodstuffs produced by the applicant or his family for his use or that of his family; 3. The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use; 4. The value of gifts other than regular contributions by relatives legally responsible under this act; 5. The value of the use and occupancy of premises owned and occupied by the applicant; 6. The net income from real and personal property owned by the applicant. <p>Income in addition to the above specified shall be computed on the basis of net income. (W. & I. C., Sec. 3472.)</p> <p>Free board and lodging supplied to an applicant for ANB or APSB because of his necessity therefor, by a friend or relative who is not responsible for his support or who is financially unable to support him, shall not be a ground for refusing aid. (W. & I. C., Secs. 3049 and 3449.)</p>	<p>No child for whose specific support \$25 per month is paid, other than under the provisions of the ANC Law, is a needy child within the meaning of the ANC Law. (W. & I. C., Sec. 1523.)</p>

Three years' independent State residence need not have been acquired immediately prior to the current application for GR. Such residence may have been acquired prior to or subsequent to the first receipt of aid provided it has not been lost since that time by one year's absence from the State with intent to establish residence elsewhere.

Three years' residence may not be computed by adding together the various periods during which a person was not in receipt of aid. Continuous residence is necessary.

When a preponderance of evidence shows three years' self-supporting residence, or when there is no indication of a lack of such self-supporting residence, such residence may be considered established.

975-60 **Sec. 975-60 Relief and Residence** WELF. & INST. CODE SEC. 2550
GR

State residence for purposes of GR is not acquired during the time public or private relief or support from friends, charitable organizations or relatives other than legally responsible relatives is received.

Inquiry shall be made during the investigation of residence as to the receipt of aid from any of the above sources and as to the period of time during which such aid was granted.

An application for aid without the receipt of same does not constitute relief. Services given by a public or private social agency without the receipt of relief in cash or kind does not affect the acquisition of independent State residence.

Only those items are considered relief which are granted as such. CCC employment is not considered relief since enrollment is not based on need. WPA employment is considered relief since certification is restricted to needy persons. A person who was employed on the WPA in the non-certified group, however, would not be considered to have received relief. NYA is considered relief as such employment is available to needy young people or those from needy families.

Care received through a cooperative does not constitute relief unless such cooperative is supported by public or private charitable funds. Care without charge in a shelter operated under public or private auspices constitutes relief. The receipt of compensation, industrial, accident or unemployment, is not relief. Nor are OASI benefit payments considered relief.

Medical care supplied by a public or private institution or social agency is not considered relief when the recipient thereof is expected to pay in whole or in part for such service.

Medical care at a diagnostic center sponsored by a university would not be regarded as either public or private relief. Treatment extended by health officers or public health clinics, eligibility for which is based on need for preservation of public health rather than on financial circumstances of the individual, are not considered relief, e.g., treatments in venereal disease or tuberculosis clinics.

A person who has resided continuously in the county for one year is a resident of the county for purposes of GR, provided State residence is established, even though relief may have been applied for or aid received during the one-year period as county residence is not affected by the receipt of relief.

975-75 **Sec. 975-75 County Residence** WELF. & INST. CODE SEC. 2556
GR

A person who is a resident of the State for purposes of GR is a lawful resident of the county wherein he applies for aid if he has resided therein continuously for one year immediately preceding his application for assistance. If the applicant has no such residence, the county wherein he last resided continuously for one year immediately preceding his application shall be responsible for his support. If the applicant has no such year's residence within three years preceding application, that county shall be responsible for his support wherein he was present for the longest time during the three-year period preceding his current application. In these circumstances it may be necessary to determine the length of time spent in each county.

Sec. 975-10 Residence for GR **POL. C. SEC. 52; WELF. & INST. CODE SECS. 2550, 2551, 2503**

975-10

GR

Except as otherwise provided in the chapter relating to indigent persons of the W. & I. C., a person, in order to be entitled to GR shall be a resident of the State and of the county wherein application is made. The following provisions relating to residence are applicable in determining residence for the purposes of GR and for purpose of admission to county hospitals when such county hospital is operated under the provisions of the Indigent Law.

Aid may be granted to dependent non-residents according to provisions made by the board of supervisors of each county.

See Sec. 120-00, Residence, General, for a discussion of the term residence as defined in the general laws of the State. This section applies likewise to GR.

Sec. 975-15 Establishment of Residence **POL. C. SEC. 52**

975-15

GR

Residence is established by a union of act and intent. Both must be present as intent is without avail in the absence of action. Intent implies ability to make a choice. Persons entering the State without such ability can not establish residence here. These include persons brought into the State under duress, such as Federal prisoners, persons extradited from other states in which they had established residence, escaped prisoners, paroled prisoners and others of similar status.

Voluntary physical presence may be indicative but not conclusive evidence of residence intent. In absence of evidence to the contrary it may be deemed that residence begins as of the date of entry into the State or county.

Residence may be retained during an indefinite period of absence if the individual intends to retain his residence in a certain place.

When evidence is necessary to establish intent the nature of the evidence will vary with the situation. It may include purchase of property, investment in business interest, search for employment, residence of wife and family, presence when not employed, registration to vote, change in community or business affiliations, etc.

Sec. 975-50 Requirements of State Residence for GR **WELF. & INST. CODE SEC. 2555**

975-50

GR

A resident of the State for purposes of GR is a person who comes within all the following provisions:

1. Who has lived continuously in the State for a period of three years with intent to make it his home;
2. Who, during the three-year period aforementioned has not received any public or private relief or support from friends, charitable organizations, or relatives other than legally responsible relatives; but time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another State;
3. Who has not lost his residence by remaining away from this State for an uninterrupted period of one year. Absence from the State for labor or other special or temporary purpose does not occasion loss of residence.

A continuous, uninterrupted period of three years' (36 mos.) residence is required to gain residence for purposes of GR. Time spent in a public institution or out of the State for employment or other special temporary purpose may not be included in this three-year residence. Temporary absence does not break the continuity of residence but postpones acquisition of residence. While in a public institution, the acquisition of residence is suspended, i.e., it is neither gained nor lost during confinement.

OWNER—The owner is he who has dominion of a thing real or personal, corporeal or incorporeal, which he has a right to enjoy and do with as he pleases, even to spoil or destroy it, as far as law permits, unless he be prevented by some agreement or covenant which restrains his right.

Owner, in its general sense, means one who has full proprietorship in and dominion over property. The word "owner" does not necessarily refer to holder of legal title to property; it may have reference to one whose interest is less than a fee simple estate, such as a conditional vendee (i.e., the buyer) who is in possession.

It is true that the word "owner" also refers to the one holding the legal title.

(See Secs. 131-05, Ownership of Real Property, and 141-10, Ownership of Personal Property, for further definition and discussion.)

OWNERSHIP—The ownership of a thing is the right of one or more persons to possess and use it to the exclusion of others. The thing of which there may be ownership is called property.

Ownership is defined as that portion of the total value of real or personal property which is available to the owner. It may be complete possession or equity in personal or real property.

(See Equity.)

PAROLE—As used in this Manual, the term "parole" means the conditional release of a person *who has been committed* to a State institution. It is a suspension of sentence or commitment, during good behavior, terminable upon breach of any of its conditions, and rescindable at any time.

PATENTED MINING CLAIM—See Mining Claims, Tunnel Rights and Mill Sites.

PAYEE—One to whom a warrant is payable. (See also Recipient; Applicant; Grantee.)

PERJURY—An unqualified statement of that which one does not know to be true is equivalent to a statement of that which one knows to be false. Perjury is punishable by imprisonment in the State prison for not less than one nor more than 14 years.

PERSONAL PROPERTY—Estate or property that is not real, consisting in general of things temporary or movable; chattels; originally, property recoverable by personal action; in the common law, any action not brought for the recovery of, or involving rights in, lands, tenements, or hereditaments; that is, one brought to enforce or recover a debt or personal duty, or damages in lieu of it, or damages for an injury to person or property, or for the specific recovery of, or enforcement of a lien upon, goods or chattels. Includes all property except real estates; e.g., money, goods, chattels, evidences of debt, stocks, bonds, clothing, furniture, livestock, jewelry, things in action, etc.

For the purposes of sale, emblems, industrial growing crops, and things attached to or forming part of the land, which are agreed to be severed by sale or under the contract of sale, shall be treated as goods.

Parties may, by agreement between themselves, determine the character of the property. Thus a conditional sale may be made of heavy machinery which is later affixed to realty of buyer and yet remains personal property of seller. This agreement will not, however, affect its character as to bona fide purchasers or encumbrancers of buyer's interest.

PERSONALTY—Personal property, as distinguished from real property.

PHOTOPHOBIA—A morbid dread or dislike of light.

POSSESSORY INTERESTS—Include:

1. Possession of, claim to, or right to the possession of land or improvements, except when resulting from ownership of the land or improvements.
2. Taxable improvements on tax exempt land.

Possessory interests are not considered sufficient security for the payment of any taxes.

POWER OF ATTORNEY—Written authority from one person to another to act for him.

PROBATION—As used in this Manual, the term "probation" means the conditional release of a person *prior to commitment* to a State institution. An order suspending sentence is the equivalent of an order granting probation. Probation may be revoked at any time if the judge has reason to believe that its terms have been violated. Commitment to a penal farm or road camp for a term may be a condition of probation, but after commitment to a *State institution* release may be obtained only by parole, discharge, commutation, pardon, or escape.

PROPERTY—The word "property" includes property real and personal. Property is the exclusive right of possessing, enjoying, and disposing of a thing; it is the right and interest which a man has in lands and chattels, to the exclusion of others, and the term is sufficiently comprehensive to include every species of estate, real or personal.

The term "property" includes all matters and things real, personal or mixed, capable of private ownership.

PROPERTY, REAL—See Real Property.

PROPERTY SOLD FOR DELINQUENT TAXES—Real property on which taxes have become delinquent is so marked in the assessor's office at the time of the first tax delinquency. Such property is marked:

"Sold to the State"
Date of sale
Amount of taxes due

Delinquent taxes constitute a lien against property. Property is not offered for sale at public auction until five years after the first delinquency. During this five-year period the owner may redeem the property by payment of delinquent taxes and penalties thereon.

Title does not pass until the execution of a deed either to the State or to purchaser at delinquent tax sale. Such deed is executed by the tax collector and recorded in the office of the county recorder. (See also Title, Tax.)

Negotiable Instrument**GLOSSARY****Oil Rights**

POL. C. SECS. 4013, 4314; CIVIL CODE SEC. 1183.5; AB 541

NEGOTIABLE INSTRUMENT—An instrument to be negotiable must conform to the following requirements:

1. It must be in writing and signed by maker or drawer;
2. It must contain an unconditional promise or order to pay a sum certain in money;
3. It must be payable on demand, or at a fixed or determinable future time;
4. It must be payable to order or to bearer; and
5. Where instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

The chief types of negotiable instruments are **bills of exchange** and **promissory notes**.

Negotiable bill of exchange is an unconditional order in writing, addressed by a drawer to a drawee, requiring latter to pay on demand or at a fixed or determinable future time, a sum certain in money, to order or to bearer.

Check is a bill of exchange drawn on a bank payable on demand.

Trade acceptance is a draft (i.e., a bill of exchange) used in financing sales. It is drawn by seller upon buyer as drawee, usually payable to order of seller. Acceptance by buyer is means by which seller secures payment of purchase price. Such instrument usually refers to transaction out of which it arose. A bill of exchange is a mere order and before acceptance does not operate as an assignment of funds.

Negotiable promissory note is an unconditional promise in writing, made by a maker to a payee, engaging to pay on demand or at a fixed or determinable future time, a sum certain to order or to bearer.

Bond is a promissory note usually secured by a mortgage or deed of trust.

Document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

NON-COUNTY AID—See Recipient, Non-County.

NON-FEDERAL AID—See Recipient, Non-Federal.

NUMBER—Singular number includes the plural, and plural the singular.

OATHS AND AFFIRMATIONS

Every county officer named below, and his deputy, and every justice of the peace may administer and certify oaths.

1. A district attorney;
2. A sheriff;
3. A county clerk;
4. An auditor;
5. A treasurer
6. A recorder;
7. A license collector;
8. A tax collector; who shall be an ex officio license collector;
9. An assessor;
10. A superintendent of schools;
11. A public administrator;
12. A coroner;
13. A surveyor;
14. Members of the board of supervisors;
15. A livestock inspector;
16. A fish and game warden;
17. A county librarian;
18. Such other officers as may be provided by law.
19. The commissioned officers of the armed forces included in the following groups:

- a. Any officer of any part of the U. S. Army on active duty in Federal service, commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff judge advocate or acting staff judge advocate and the adjutant, assistant adjutant, personnel adjutant or commanding officer of any command.
- b. Any commanding officer or executive officer of a ship, shore station or establishment and any officer of or above the rank of Lieutenant Senior Grade, on active duty with the U. S. Navy or Coast Guard.
- c. Any officer of or above the rank of Captain on active duty with the U. S. Marine Corps.

In order to be valid, the document bearing the signature of such commissioned officer must show, in addition to the officer's signature, his serial number, branch of service, and the capacity in which he signed.

Every court, every judge, or clerk of any court, every justice, and every notary public, and every officer or person authorized to take testimony in any action or proceeding, or to decide upon evidence, has power to administer oaths or affirmations.

An oath, or affirmation, may be administered as follows, the person who swears, or affirms, expressing his assent when addressed in the following form: "You do solemnly swear (or affirm, as the case may be), that the evidence you shall give in this issue (or matter), (pending between _____ and _____,) shall be the truth, the whole truth, and nothing but the truth, so help you God."

Whenever the court before which a person is offered as a witness is satisfied that he has a peculiar mode of swearing, connected with or in addition to the usual form of administration, which, in his opinion, is more solemn or obligatory, the court may, in its discretion, adopt that mode.

When a person is sworn who believes in any other than the Christian religion, he may be sworn according to the peculiar ceremonies of his religion, if there be any such.

Any person who desires it may, at his option, instead of taking an oath make his solemn affirmation or declaration by assenting when addressed in the following form: "You do solemnly affirm (or declare) that * * * (etc.)."

(See also Affidavit.)

OIL RIGHTS AND LEASES—See Leases and Real Property.

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento
September 22, 1943

1943 SEP 23 PM 2 58

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

SOCIAL WELFARE BOARD
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ROUTE 1, BOX 55

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1440 BROADWAY
OAKLAND

JOHN C. CUNEO
922 J STREET
MODESTO

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very sincerely yours,

Marta A. Chickering
MARTHA A. CHICKERING, Director
Department of Social Welfare *23m*

52:797

Encls.

FILED

In the office of the Secretary of State
of the State of California

SEP 23 1943

FRANK M. JORDAN, Secretary of State
By *Chas. Gray* Deputy



MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento

September 2, 1943

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LINDSAY

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

1297

JOHN C. CUNEO
922 J. STREET
MODESTO

HEBER JAMES BROWN
1440 BROADWAY
OAKLAND

MANUAL LETTER NO. 42

You receive herewith Personal Property Chapter, Revisions 26 and 27, Income Chapter, Revisions 1 and 2, and Continuing Services Chapter, Revisions 4 and 5. This material is to be entered in your copy of the Manual of Policies and Procedures and the revision numbers cancelled on the separators for the revised chapters.

These revisions were adopted by the SSWB on June 23, 1943 and become effective immediately.

Your attention is directed particularly to the fact that parts of certain Department Bulletins are made obsolete by these revisions, as follows:

Dept. Bulletin #218: Pages 7 and 8. This material is covered in Manual Secs. 360-00, 360-05, and 360-10.

Dept. Bulletin #221: Pages 7, 8, and 9 (the last 3 pages). This material is covered in Manual Secs. 146-00 and 152-00.

Dept. Bulletin #211: The fourth paragraph on page 5 (beginning "Premiums paid by responsible relatives--") and the last sentence on page 14. This material is covered in Manual Sec. 152-50.

STATEMENTS CONTAINED IN THE MANUAL TAKE PRECEDENCE
OVER SAME MATERIAL PREVIOUSLY RELEASED IN BULLETINS

146-05 Sec. 146-05 Judgments and Compensation as Personal Property **W&C SECS. 1560; 2140; 2141; 3075; 3460**
OAS; ANB; APSB; ANC

A lump sum received in payment of a judgment or as the result of compensation laws represents personal property. The amount received shall be ascertained and when the personal property holdings including the lump sum do not exceed the maximum for the particular category of aid, there is no occasion for interruption of aid.

When weekly or other periodic payments are received as benefits under the provisions of compensation laws, such payments represent income rather than personal property.

When there has been an execution of a judgment, the amounts derived from such execution are considered personal property.

The value of a judgment which has not been executed shall be considered in determining eligibility under personal property requirements of the respective category of aid. When the judgment is against a solvent corporation, the value of the judgment shall be considered equal to the amount of the judgment. When the judgment is against some one other than a solvent corporation, the county shall determine the ability of the judgment debtor to pay after a complete financial investigation, e.g., a credit report, has been secured on the judgment debtor. Determination of ability to pay rests within the discretion of the county.

When the judgment debtor or his property cannot be located, the judgment can not be executed, or the judgment creditor has the judgment vacated, the value of the judgment shall not be considered in determining eligibility.

When a judgment is the subject of an action brought by the judgment debtor in a higher court to vacate the judgment, and the judgment creditor is prohibited from executing the judgment, that portion of the value of the judgment remaining unsatisfied shall not be considered in determining eligibility during the pendency of such court action.

A cash settlement accepted in lieu of a judgment is considered personal property.

Sec. 145-10 Personal Property Acquired by Inheritance PROB. C. SEC. 300; W&IC SECS. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460 145-10
OAS; ANB; APSB; ANC

The value of personal property acquired through inheritance shall be taken into account together with the value of other personal property holdings in determining eligibility in accordance with the provisions of the respective category of aid. (See Sec. 144-10, Determination of Personal Property Value of Undistributed Estates.) Exception: When the recipient receives, through the death of the spouse, personal property which was held in joint tenancy, or is the beneficiary of insurance of a spouse or in ANC a child, such property or funds may be considered as being encumbered or charged with the funeral expenses of the deceased. When verification has been made that all or a portion of such property or funds has been used, in a reasonable amount, to defray such expenses, property or funds so used shall be deducted before determining the net value of such property or funds. Only the net value so computed, shall be considered in determining eligibility.

Sec. 146-00 Conversion of Property W&IC SECS. 103; 103.5; 103.6; 1560; 2140; 2141; 3075; 3460 146-00
OAS; ANB; APSB; ANC

Real property may be converted to personal property, and vice versa, without causing ineligibility provided the real or personal property received together with other real or personal property holdings are not in excess of the maximum permitted by the respective category of aid. Aid shall be discontinued when the total holdings exceed the maximum permitted. (See Sec. 134-10, Real Property Sold by Recipient, and Sec. 134-15, Acquisition of Real Property by Exchange.)

Personal property of one type may be converted into personal property of another type, and eligibility continue, so long as the value of personal property holdings does not exceed the maximum for the particular category of aid, e.g., the exchange of stocks and bonds for cash, or in OAS, ANB, and APSB the exchange of equipment for a car and vice versa.

The following represents some types of conversion of property from one form to another: (See Sec. 141-00, Types of Personal Property.)

1. Principal payments on property sold under contract of sale.
2. Indemnity payments for land taken over by the Government through exercise of the right of eminent domain.
3. Payment received for Indian allotments sold by the U. S. Government upon the petition of the Indian for whom the property is held in trust.
4. Lump sums received from the maturing of life insurance policies, or surrender of them for their cash value.

Unencumbered homes having a county assessed value of \$500 or less, have a minimum value of occupancy of \$3.00 per month. The value of occupancy shall be increased at the rate of \$1.00 per month for each additional \$500 assessed valuation or fraction thereof, up to a maximum of \$8.00 per month. The following table sets forth the occupancy value of unencumbered homes in accord with the county assessed valuation of the property.

Value of Occupancy of Unencumbered Homes	
Assessed Value	Value of Occupancy
Up to \$500-----	\$3.00
\$501 to \$1000-----	4.00
1001 to 1500-----	5.00
1501 to 2000-----	6.00
2001 to 2500-----	7.00
2501 or over-----	8.00

The application of the table may be modified when basic needs of the recipient other than shelter can not be met due to the excessive cost of taxes or assessments. In such event the case record shall show the particular costs which necessitated a modification of the table.

Encumbered homes have a value of occupancy which shall be determined by subtracting from the appropriate value of occupancy as shown in the table for unencumbered homes the required monthly payment on liens (including principal and interest). The remainder, if any, is the net value of occupancy on encumbered homes.

Example: Property assessed at \$1200 is encumbered for \$250. Monthly payments on the encumbrance are \$3.00, (principal \$2.50 and interest 50¢).

Value of occupancy from table for unencumbered homes-----	\$5.00
Less payments on encumbrance-----	3.00
Net value of occupancy-----	\$2.00

When a home is being bought on contract of sale, the net value of occupancy, if any, shall be determined by deducting the required monthly payment on the contract from the value of occupancy as shown by the table for unencumbered homes.

Duplex dwellings usually contain two identical units. Therefore, the value of occupancy of one unit occupied by the recipient shall be based on one-half the assessed value of the whole property. The net income from the other unit shall be determined in accord with Sec. 152-00, Net Income from Real Property.

An apartment in a building owned by the recipient has a value of occupancy which is determined by dividing the assessed valuation of the whole property by the number of apartments. The net income from the other apartments is determined in accord with Sec. 152-00.

Example: Apartment house of four comparable units is assessed for \$2800. Net value of occupancy of one unit (occupied by recipient) is based on one-quarter of assessed valuation of the whole property.

Payments made in accord with a life estate agreement which stipulates that the remainderman shall be responsible for the payment of certain expenses do not represent contributions to the life tenant. When property in which life estate is held was encumbered by the remainderman either before or after the creation of the life estate, encumbrance payments made by the remainderman shall not represent income to the life tenant.

When the existing life estate agreement is a verbal agreement only, it is advisable that it be confirmed in a notarized written statement signed by the remainderman and the life tenant and that a copy of such agreement be filed in the county welfare department record.

In OAS and ANB, the value of the free use and occupancy of property during the statutory redemption period of one year following a foreclosure sale represents income. In APSB, when the purchaser in the foreclosure sale is a responsible relative, the value of the free use and occupancy of the property is "non-exempt" income. When the purchaser is other than a responsible relative, the value of the free use and occupancy of the property is "exempt" income.

That portion of payments from the sale of real property, sold under contract of sale, title not passing, which represents principal payments is considered conversion of property from one form to another. (See Sec. 146-00, Conversion of Property.) Any interest included in such payments represents income. Allowance shall be made for interest payments on prior encumbrances, in order to determine the amount of net income.

Net income from real or personal community property shall be shared equally with the spouse, whether eligible or ineligible. This does not apply to income from separate property owned by either spouse.

Sec. 152-10 Occupancy Value of Homes Owned by Recipients W&IC SECS. 2140; 2141; 3075; 3460; 3472 **152-10**
OAS; ANB; APSB

In OAS and ANB, the value of currently used resources shall be considered in determining the amount of aid. Homes owned and occupied by recipients of OAS and ANB are considered currently used resources and the value of their use shall be considered in computing the grant. In APSB, the value of the use and occupancy of premises owned and occupied by the applicant or recipient is exempt from consideration until the income, together with that from other exempt sources, exceeds \$400 per year.

The value of occupancy is determined in accordance with the assessed value of the property. The full assessed value is considered in determining the value of occupancy to the recipient, whether he alone occupies the home which he owns or whether it is shared with his spouse, or with others who may, or may not, have an interest in the property.

If the home is the separate property of the ineligible spouse who alone is bearing the cost of upkeep, taxes, etc., the recipient is, in fact, receiving free rent. The value is determined as in any other case in which free rent is contributed by another.

The recipient who holds life estate in property which he occupies is deemed to be the owner and value of occupancy shall be determined in the same manner as if title remained with him.

**152-60 Sec. 152-60 Offer of Support as Income W&IC SECS. 2140; 2141; 3075; 3460; 3472
OAS; ANB; APSB**

A mere offer of a contribution for support by a responsible relative or anyone else is not in itself sufficient to render a recipient ineligible. Only contributions for full or partial support which are actually received or unconditional offers of cash shall be considered as income.

The following statements apply to all offers in kind from any source and to all conditional offers of cash in either of which the applicant or recipient does not have a property right. If the cash offer is dependent upon fulfillment of a certain condition or upon refraining from a particular act, e.g., living or not living in a certain place, upon refusal of the offer by the applicant or recipient, he shall be granted aid, if otherwise eligible.

When the applicant has a property right, i.e., insurance, OASI, stocks, bonds, court order for support, life care contract, or other resource which he owns or in which he has an interest, the benefits accruing from such property are income. (See Sec. 152-20, Income from Personal Property.)

152-70 Sec. 152-70 Income from Adults to Family Budget Unit W&IC SEC. 1560**ANC**

When a parent of children receiving aid is living in the home and working all earnings are considered as income to the family budget unit. Special expenses incident to the employment shall be allowed in the budget. The actual contribution made by parents not living in the home shall be considered income. The ability of parents to support or contribute is determined by the relationship between the parents' verified income and their reasonable needs.

In general when the OAS, ANB or APSB recipient is a parent of the child or children receiving ANC his prorated share of rent, utilities and household operations is deducted from the budget, as determined for the other parent and children.

When the parent receiving OAS, ANB or APSB is making a definite contribution to the family budget unit from his grant, net income to the family budget unit is determined by deducting food per budget schedule and the individual's prorated share of rent, utilities and household operation from the actual contribution.

Net contribution from adult children or other adults in the home not included in the family budget unit is determined, and considered as income to the family budget unit as set forth in the preceding paragraph.

An allowance from a serviceman is considered as any other contribution from an adult or minor not living in the home, i.e., as income.

Sec. 152-40 Loans as Income W&IC SECS. 1560; 2140; 2141; 3075; 3460; 3472
OAS; ANB; APSB; ANC

152-40

A bona fide loan contracted by a recipient carries with it the obligation for repayment and hence can not be considered as making available to the recipient any net or factual amount of income. (See Glossary, Loan.) The funds derived as a result of a bona fide loan, as distinguished from a gift, are equalized by the corresponding indebtedness incurred. The proceeds of such loans shall not be considered income to the recipient when they emanate from non-responsible relatives, friends, persons or agencies, including fraternal, benevolent and non-profit organizations, or, in OAS, private institutions on whom there rests no legal obligation for support.

Loans from a responsible relative may be considered as income because of the legal responsibilities of the relative, provided the responsible relative has the pecuniary ability to contribute the amount of the loan. The loan shall not be considered income when the relative has no such pecuniary ability and the loan must be repaid.

In OAS personal property holdings, in ANB and APSB real and personal property holdings, and in ANC cash and security holdings shall be re-evaluated on the first of the month following the receipt of a loan to determine whether such holdings are within the maximum permitted for the particular category of aid.

Sec. 152-50 Contributions from Legally Responsible Relatives as Income W&IC SECS. 2140; 2141; 3075; 152-50
OAS; ANB; APSB

The amount of contributions received from legally responsible relatives in cash, the value of items of support given in kind, i.e., room, board, clothing, etc., and payments made by responsible relatives on behalf of the recipient and for which the recipient is responsible, i.e., mortgage payments on the recipient's real property, etc., represent income. In OAS premiums paid by another on the recipient's life insurance shall not be considered income. (See Sec. 152-60, Offer of Support as Income.)

The ineligible spouse of a recipient may apply to his or her own support and the support of his dependent children such of his income, from earnings, annuities, pensions, allowances from servicemen, etc., as is necessary before applying the remainder, if any, to the support of the recipient. In no event shall the amount retained by the ineligible spouse for his or her own individual use from a serviceman's allowance of \$47 for two parents exceed \$37. (See Secs. 172-00, 172-05, Investigation of Responsible Relatives Within State, and 460-20, Amount of Allowances Payable to Servicemen's Dependents.)

Net earnings of a recipient are community property of both spouses. One-half the earnings of a recipient, therefore, may be allocated to the spouse unless the spouse has sufficient income from other sources for her own support. (See Sec. 151-50, Net Income from Wages, Salaries, and Commissions, and Sec. 153-80, Allocation of Income to Ineligible Spouse.)

When both parents are receiving OAS, ANB or APSB, contributions from children, including allowances from servicemen, shall be allotted equally between the parents, unless a child stipulates that the contribution is not to be so divided.

There shall be no arbitrary division of earnings of minor children. The method of determining the amount of the earnings of the minor child to be used in a household in supplementing or in any way determining the amount of aid to be granted shall be based upon the emancipation of such minor. (See Sec. 171-40, Rights and Privileges of Parents of Minor Children.)

361-00 Sec. 361-00 Increase in Amount of Aid ENTIRE CHAPTER WAS WRITTEN UNDER AUTHORITY W & I CODE SECS.
OAS; ANB; APSB 113, 114, 120, 1560, 2140, 3075, 3460

The grant of aid shall be increased as soon as administratively possible when a decrease in the income causes the amount of the grant together with income to fall below the amount to which the recipient is entitled under the provisions of the law for the particular category of aid.

In OAS and ANB when monthly interest payments in decreasing amounts (which have not been determined an inconsequential resource) are received, either of the two following methods may be used for adjusting the grant.

- (1) The total amount of income from this source may be determined for each three-month period. Any necessary adjustment in the grant may be made in the first or not later than the second month following the end of the three-month period, for which the average was determined.
- (2) The total amount of income from this source may be determined for the ensuing twelve-month period and the monthly average thereof taken into consideration in making any necessary adjustment in the monthly grant.

361-10 Sec. 361-10 Decrease in Grant

OAS; ANB; APSB

When an increase in the income of the recipient causes the amount of the grant together with income to exceed provisions of the law for the particular category of aid, the grant shall be decreased as soon as administratively possible, but shall be effective not later than the second month following that in which the income is received. The amount of aid, together with the income (other than casual income and inconsequential resources in ANB or OAS), shall not be less than that provided by law for the respective category of aid. The amount of aid plus the income (other than that which is casual income and inconsequential resources in OAS and ANB) shall not exceed the total need of the recipient, and in no case may the grant of aid exceed \$50.

In OAS and ANB, reduction in the grant, or an adjustment which involves a refund from the income including the grant which the recipient is currently eligible to receive under the law governing the respective category of aid, shall not be made because of income received prior to the second month preceding the current month. When income which should have been considered in determining the grant of aid is discovered too late to adjust the grant effective not later than the second month following that in which the income was received, the recipient shall be requested to reimburse the county from resources he may have other than the income including the grant to which he is currently eligible. The reimbursement requested shall not exceed the amount of the aid paid to which the recipient was ineligible.

In OAS and ANB, when the exact amount of income for a given month is definitely known sufficiently in advance, any necessary adjustment of the grant may be made for the month in which such income is received, but shall not be made later than the second month following that in which it is received.

Example: The county determines on October 15, that a recipient will receive on November 10 his first \$20 monthly payment from an annuity. The income plus the grant exceeds his total need. The monthly grant will be adjusted effective November 1.

In OAS and ANB when the total income for a given month can be determined only during the month in which it is received, or during the month subsequent thereto, the adjustment which may be necessary in order that the income plus the grant will not exceed total need, shall become effective with the grant of aid not later than the second month subsequent to that in which it is received.

Example: It is known that the initial payment from an annuity will be received in October, but it is not until receipt of the annuity check that the amount thereof is known. Any necessary adjustment in the grant of aid shall be made effective November 1, if possible, but not later than December 1.

Sec. 360-00 Changes in Amount of Aid in OAS ENTIRE CHAPTER WAS WRITTEN UNDER AUTHORITY W & I CODE
 OAS SECS. 113, 114, 120, 1560, 2140, 3075, 3460
 (ALSO 2220) 360-00

The county shall annually or oftener investigate the recipient's eligibility to continue to receive OAS. The amount of aid shall be changed or aid shall be discontinued if the county finds that the recipient's circumstances have changed sufficiently to warrant such action.

The clerk of the board of supervisors of each county shall report monthly to the SDSW, in such manner and form as the latter may prescribe, the grants of aid which are changed or revoked. (See Sec. 361-90, Notification to SDSW of Change in Grant.)

The county may, for cause, and upon instructions so to do by the SDSW shall, cancel, suspend or revoke aid. Upon request of the SDSW, an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension. (See Secs. 361-30, Suspension Procedure, and 361-35, Changes in Amount of Grant During Suspension of Aid.)

If at any time the SDSW has reason to believe that OAS has been obtained improperly, it shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. It shall notify the county of such suspension. If it appears upon inquiry that aid was obtained improperly, it shall be canceled by the SDSW; but if it appears that aid was obtained properly, the suspended payments shall be payable.

Sec. 360-05 Provisions of Law for Changes in Aid (ALSO 3078.5)

360-05

ANB; APSB

The county may, for cause, and upon instructions so to do by the SDSW shall, cancel, suspend or revoke aid. Upon request of the SDSW, an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension.

If at any time the SDSW has reason to believe that ANB or APSB has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. If it appears upon inquiry that the aid has been obtained improperly, it shall be canceled by the SDSW; and if it appears that aid was obtained properly, the suspended payment shall be payable.

Sec. 360-10 Provisions of Law for Changes in Aid (ALSO 1552.5)

360-10

ANC

The county may cancel, suspend, or revoke aid under ANC Law for cause. Upon instructions from the SDSW the county shall cancel, suspend, or revoke aid under this law. Upon request of the SDSW an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension.

Sec. 360-25 Reason for Changes in Amount of Aid

360-25

OAS; ANB; APSB; ANC

Because aid is granted on the basis of need and an individual's need is subject to change, a method of adjusting the grant is necessary. The Notice of Change (Form Ag, Bl, CA 232) is used by the county to inform the SDSW of an increase, decrease, discontinuance, or restoration of aid, and for other special purposes in ANC. (See Form Ag, Bl, CA 232, in Sec. 365-99, Forms Used in Changes of Aid.)

Discontinuance of aid or a change in the amount of the grant of aid is made when the facts support such action. In OAS, ANB, and APSB the recipient whose eligibility to receive aid continues should be assured of regular and continuous payment subject to increase or decrease only as a change in his circumstances makes an adjustment in the grant necessary in order to bring it into accord with the provisions and rulings of the respective category of aid. In ANC this applies to the child for whom aid is paid.

MAIN OFFICE
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616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

1943 OCT 4 PM 3 03 DIRECTOR

Sacramento

October 4, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

FILED

In the office of the Secretary of State
of the State of California

OCT 1 - 1943

FRANK M. JORDAN, Secretary of State

By *Ed Johnson* Deputy

SOCIAL WELFARE BOARD
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922 J STREET
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MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very truly yours,

MARTHA A. CHICKERING
MARTHA A. CHICKERING, Director
Department of Social Welfare

172:786

Attachments

FOR VICTORY



MAIN OFFICE
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995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

September 30, 1943

SOCIAL WELFARE BOARD
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1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

DEPARTMENT BULLETIN NO. 69-F

TO: COUNTY WELFARE DIRECTORS

Subject: Summary of Revisions to the
Classification Plan for County
Welfare Departments

Attached is a Summary of Revisions to the Classification Plan for County Welfare Departments. This summary covers the revisions to the minimum qualifications portion of the specifications for ten classifications as recommended by the Merit System Advisory Committee and approved by the State Social Welfare Board on July 29, 1943, and August 26, 1943.

Since these revised sets of minimum qualifications replace those now appearing in your copy of the Classification Plan for County Welfare Departments for the classifications listed, we suggest that you insert them in your Classification Plan booklet in accordance with the instructions contained on the first page of the attached summary. A complete revised specification for each classification listed will be sent you at a later date.

Very sincerely yours,

MARTHA A. CHICKERING

MARTHA A. CHICKERING, Director
State Department of Social Welfare

Attach.

(Authority: Sections 119 and 119.5, Welfare and Institutions Code)

FOR VICTORY



SUMMARY OF REVISIONS TO CLASSIFICATION PLAN

FOR COUNTY WELFARE DEPARTMENTS

Note: We suggest that you cut these revisions at the line separating the classifications and staple the revised portion over the minimum qualifications as they now appear for each specification revised.

County Welfare Director III

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Eight years of qualifying experience as described below, of which at least two years within the last ten years must have been in an executive or supervisory capacity.

Qualifying Experience: Successful full time paid employment in a responsible capacity in one or more of the following fields: public or private welfare agency, public management, business management, public school administration, public health administration, teaching in a recognized school of social work, or in other related fields involving public contact responsibilities.

OR

Alternate Education and Experience Requirements: One year of study completed in a college or university may be substituted for one year of qualifying experience. Maximum substitution allowable: four years of completed undergraduate study and two years of completed graduate study for six years of experience, but in all instances at least two years of the qualifying experience must have been in an executive or supervisory capacity.

Approved by the Social Welfare Board on 8/26/43

County Welfare Director IV

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Eight years of qualifying experience as described below, of which at least three years within the last ten years must have been in an executive or supervisory capacity.

Qualifying Experience: Successful full time paid employment in a responsible capacity in one or more of the following fields: public or private welfare agency, public management, business management, public school administration, public health administration, teaching in a recognized school of social work, or in other related fields involving public contact responsibilities.

OR

Alternate Education and Experience Requirements: One year of study completed in a college or university may be substituted for one year of qualifying experience. Maximum substitution allowable: four years of completed undergraduate study and two years of completed graduate study for six years of experience, but in all instances at least three years of the qualifying experience must have been in an executive or supervisory capacity.

Approved by the Social Welfare Board on 8/26/43

County Welfare Director V

Minimum Qualifications:

Education: Equivalent to that represented by the completion of the twelfth grade.

AND

Experience: Eight years of qualifying experience as described below, of which at least three and one-half years within the last ten years must have been in an executive or supervisory capacity.

Qualifying Experience: Successful full time paid employment in a responsible capacity in one or more of the following fields: public or private welfare agency, public management, business management, public school administration, public health administration, teaching in a recognized school of social work, or in other related fields involving public contact responsibilities.

OR

Alternate Education and Experience Requirement: One year of study completed in a college or university may be substituted for one year of qualifying experience. Maximum substitution allowable: four years of completed undergraduate study and two years of completed graduate study for six years of experience, but in all instances at least three and one-half years of the qualifying experience must have been in an executive or supervisory capacity.

Approved by the Social Welfare Board on 8/26/43

Public Assistance Worker Grade I

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Three years, within the last fifteen years, of qualifying experience as described below.

Qualifying Experience:

(1) Successful full time paid employment in any of the following fields; public or private assistance, social case work or welfare administration, social group work, public health or school nursing, school teaching, school administration, agricultural extension service, public employment service or unemployment compensation interviewing, probation work; or as an employee in a responsible capacity in a business establishment or governmental agency, or other related fields involving public contact responsibilities.

(2) Successful paid employment in a county welfare department performing diversified tasks of increasingly greater responsibility, closely related to that of a public assistance worker including client contact.

OR

Alternate Education and Experience Requirement: One year of successfully completed study in a college or university may be substituted for one year of the required qualifying experience. Maximum substitution allowable: three years of college completed for three years of experience.

Approved by the Social Welfare Board on 7/29/43

Public Assistance Worker Grade II

Minimum Qualifications:

Completion of six months of satisfactory employment as a Public Assistance Worker, Grade I.

OR

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Five years within the last fifteen years of qualifying experience as described below.

Qualifying Experience: Successful full time paid employment in a professional or other responsible capacity in any of the following fields: public or private assistance, social case work or welfare administration, social group work, public health or school nursing, school teaching, school administration, agricultural extension service, public employment service or unemployment compensation interviewing, probation work, or other related fields involving public contact responsibilities.

OR

Alternate Education and Experience Requirement: One year of successfully completed study in a college or university may be substituted for one year of the required qualifying experience. Maximum substitution allowable: four years of completed undergraduate study and one year of completed graduate study for five years of experience.

Approved by the Social Welfare Board on 7/29/43

Senior Clerk

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Three years of successful full time paid experience in clerical work.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full time paid experience in clerical work may be substituted for one year of high school. Maximum substitution allowable: two years of experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school may be substituted for one year of qualifying experience. Maximum substitution allowable: two years of the specified business training for two years of qualifying experience.

Approved by the Social Welfare Board on 7/29/43

Senior Stenographer Clerk

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Three years of successful full time paid experience in stenographic and clerical work.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full time paid experience in stenographic and clerical work may be substituted for one year of high school. Maximum substitution allowable: two years of experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school may be substituted for one year of qualifying experience. Maximum substitution allowable: Two years of the specified business training for two years of qualifying experience.

Approved by the Social Welfare Board on 7/29/43

Senior Typist Clerk

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Three years of successful full time paid experience in typing and clerical work.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full time paid experience in typing and clerical work may be substituted for one year of high school. Maximum substitution allowable: two years of qualifying experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school may be substituted for one year of qualifying experience. Maximum substitution allowable: two years of the specified business training for two years of qualifying experience.

Approved by the Social Welfare Board on 7/29/43

Junior Bookkeeper Clerk

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: One year of successful full time paid experience in keeping or reviewing financial or statistical records.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full time paid experience in keeping or reviewing financial or statistical records may be substituted for one year of high school. Maximum substitution allowable: two years of experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school may be substituted for one year of qualifying experience. Maximum substitution allowable: one year of the specified business training for one year of qualifying experience.

Approved by the Social Welfare Board on 7/29/43

Senior Bookkeeper Clerk

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Three years of successful full time paid experience within the last ten years in responsible clerical work involving the keeping or reviewing of financial or statistical records.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full time paid experience in responsible clerical work involving the keeping or reviewing of financial or statistical records may be substituted for one year of high school. Maximum substitution allowable: two years of experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school including at least six semester hours in accounting may be substituted for one year of qualifying experience. Maximum substitution allowable: two years of the specified business training for two years of qualifying experience.

Approved by the Social Welfare Board on 7/29/43

Revisions to Specifications for Child Welfare Services Worker will be sent to county welfare departments with Bulletin 69-G

The specifications for the following classifications have not been revised:

County Welfare Director I

County Welfare Director II

Public Assistance Supervisor Grade I

Public Assistance Supervisor Grade II

Public Assistance Supervisor Grade III

Junior Clerk

Chief Clerk

Junior Typist Clerk

Junior Stenographer Clerk (7/22/42)

Chief Bookkeeper Clerk

Addressograph & Graphotype Operator

Receptionist

Property & Resources Investigator.

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Sacramento

October 21, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

SOCIAL WELFARE BOARD
ARCHIBALD B. YOUNG, CHAIRMAN
808 S. SAN RAFAEL AVENUE
PASADENA

MRS. MARY E. BARKWILL
ROUTE 1, BOX 55
LINDSAY

HEBER BROWN
1440 BROADWAY
OAKLAND

JOHN C. CUNEO
922 J STREET
MODESTO

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very sincerely yours,

Marta A. Chickering
MARTHA A. CHICKERING, Director
Department of Social Welfare 1300 J

52:797
Encls.

1943 OCT 23 AM 8 58

FILED

In the office of the Secretary of State
of the State of California

OCT 23 1943

FRANK M. JORDAN, Secretary of State

Ed. Schonauer
Deputy

FOR VICTORY

BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
311 SOUTH SPRING STREET

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1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEO
922 J STREET
MODESTO

HEBER BROWN
1419 BROADWAY
OAKLAND

October 18, 1943

1297

MANUAL LETTER NO. 43

The material you receive herewith (listed below) is to be entered in your copy of the Manual of Policies and Procedures and the revision numbers cancelled on the separators for the revised chapters:

Welfare Personnel Standards	Revisions 31, 32, 33
	Table of Contents (reissued)
Residence	Revisions 29 and 30
Personal Property	Revisions 28 thru 34
Investigation and Decision	Revisions 5 thru 9
Fair Hearing	Revisions 4 and 5
Continuing Services	Revisions 6, 7, 8

Secs. 143-55, 143-57, 236-35 and 330-00, adopted by the SSWB on June 23, 1943, became effective August 4, 1943. Sec. 142-05, adopted on June 23, 1943, becomes effective immediately. The other revisions, adopted by the SSWB on August 26, 1943, become effective immediately.

The issuance of this material renders all of Department Bulletin 221 obsolete, and certain portions of other current Department bulletins as follows:

Dept. Bulletin #211: Page 15, 3d and 4th paragraphs (the 3d paragraph beginning "The value of personal effects ----") are rendered obsolete by Sec. 142-00. Also, page 23, 1st paragraph, is rendered obsolete by Sec. 326-20.

Dept. Bulletin #217: Page 1, portion pertaining to W. & I. C. Section 1521.5 is rendered obsolete by Sec. 142-10. Also, page 1, last 11 lines (beginning "Section 1526 -----"), all of page 2, and the first 16 lines of page 3, (down to "Section 1529") are rendered obsolete by Sec. 122-10.

FILED

In the office of the Secretary of State
of the State of California

OCT 2 3 1943

FRANK M. JORDAN, Secretary of State

By

Deputy

Dept. Bulletin #218: Pages 1 thru 5 are rendered obsolete by Secs. 143-55, 143-57, 236-35 and 330-00. (The remainder of this bulletin, except the form on Page 6 was rendered obsolete by Manual sections and Glossary material previously issued. Form DPA 6 on Page 6 is still in effect.)

Dept. Bulletin #221: Pages 3, 4, 5 and 6 are rendered obsolete by Secs. 141-00 and 141-05. (The remainder of this bulletin was rendered obsolete by Manual sections previously issued.)

Portions of existing bulletins, which have been rendered obsolete by the issuance of this material, should be so marked on those bulletins.

STATEMENTS CONTAINED IN THE MANUAL TAKE PRECEDENCE
OVER SAME MATERIAL PREVIOUSLY RELEASED IN BULLETINS

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REVISION RECORD

Revisions issued in changing this Chapter will be numbered in sequence. Changes made will be indicated by a vertical line in the margin of the corrected page, against the line or lines changed.

IT IS IMPORTANT that the holder of this Manual check the numbers below, corresponding with the numbers of the revisions when the latter have been incorporated in the Manual and the old pages removed, and that the State Department of Social Welfare be promptly notified in the event a number is passed without receipt of the corresponding numbered sheet.

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071-10 Sec. 071-10 Adoption of Compensation Plan

WPS

The proposed compensation plan, or any changes therein, shall be submitted to the SSWB for its consideration, approval and formal adoption. Salary ranges for classes of positions shall be amended or abolished in same manner as they are adopted.

071-15 Sec. 071-15 Administration of Compensation Plan

WPS

The compensation plan shall constitute the official schedule of all salaries for all classes of positions in the county agencies. All salaries shall conform to the approved compensation plan and shall be at one of the salary levels for the class. Entrance salary for any employee shall be at minimum salary for the class to which he is appointed except that for the duration of the war emergency, appointments may be made at either one or two steps higher than the minimum salary of the compensation plan as adopted and in effect for that county agency to which incumbent is appointed, providing the following conditions apply:

1. No original appointment shall be made at a salary higher than the minimum of that class unless all persons standing higher on the eligible list who have been offered the appointment, are first offered the higher rate.
2. When an original appointment is made at a salary higher than the minimum of that class, all employees in the same class in that county agency shall be at the same or at a higher rate in the salary range at which the original appointment is made, unless the original appointment at a salary higher than the minimum for that class has been justified in accordance with this section.

When circumstances warrant, in cases of original appointment, transfers, promotions, or reinstatements upon recommendation of appointing authority, the SDSW may approve payment of a salary at more than two steps above the minimum rate for the class, provided that it is at one of the intermediate rates or at the maximum rate, but not in excess of the maximum rate for the class. In cases of original appointment, appointment may be made at the rate nearest the employee's salary prior to his appointment, but within the range for the class to which he is appointed.

An employee who is promoted shall have his salary raised to at least the initial rate of pay for his new class. In event his present salary falls within the range for his new class, no change in his existing rate shall be made at time of promotion.

An employee who is demoted shall have his salary reduced to at least the maximum rate for his new class.

An employee who is transferred to a position in a class with same entrance salary shall be paid at his present rate, or at next higher rate in case there is not exact conformity between the two intervening rates in salary ranges of the classes.

If a former employee is reinstated in same position previously held or to one carrying a similar salary range, his salary shall not be higher than his salary at time of his separation, unless there has been an increase within the salary range.

An employee who, on the effective date of the compensation plan, is occupying a position for which the salary is in excess of the maximum of the salary range chosen by the county appointing authority; i.e., either the master pay range or the supplemental pay range, may be permitted to retain the salary in excess of the maximum during the period of his employment. However, when this position is vacated, it shall be filled at a salary in accordance with the provisions of this section.

071-20 Sec. 071-20 Salary Advancements

WPS

Salary advancements within an established range shall not be automatic but shall be dependent upon the specific recommendation of the appointing authority and shall be based upon standards of performance as indicated by seniority and service ratings or other pertinent data.

No advancements in salary shall be made until employee has completed at least three months of the probationary period or has attained permanent status except as provided in Sec. 074-70, Promotion During Probation.

No salary advancements shall be made for any one employee at intervals of less than three months. Regular annual or semi-annual periods following the filing of service ratings of employees shall be established for review of all employee records for the purpose of salary advancements.

In cases of emergency or in cases of exceptionally meritorious service, special salary adjustments of more than one step in the range or at less than six months' intervals may be permitted upon the request of the appointing authority and with the written approval of the SDSW, provided that such salary adjustments are made within the salary range for the class.

071-50 Sec. 071-50 Character of Examinations

WPS

Examinations may be written, or written and oral, or in the form of a practical demonstration of skill and ability or any combination of these. Any investigation of education, experience, character, or identity, and any test of technical knowledge, manual skill, or physical and mental fitness which, in the judgment of the examining agency, serve to this end, may be employed.

Examinations shall be practical in nature, and shall be constructed to reveal the capacity of the applicant for the particular position for which he is competing as well as his general background and related knowledge. Examinations shall be rated objectively. In the construction of examinations for positions involving important technical functions, the examining agency shall consult with the SDSW and specialists in the various subject matter fields, such specialists selected with the advice of the SDSW.

071-55 Sec. 071-55 Types of Examinations

WPS

Examinations shall be of two types: (a) qualifying and (b) competitive, consisting of open competitive and promotional.

Qualifying examinations shall be open to the personnel of county agencies who have been continuously employed since a date prior to January 1, 1940. Each such person shall take the examination for the class to which his position is allocated by the SSWB and must attain the required standard of proficiency in order to retain his present position. Such employees will not be obliged to meet the entrance requirements established for their positions as described in Sec. 074-10, Employees Appointed Prior to Date of Adoption of These Rules.

Open competitive examinations shall be open to all persons who meet the entrance requirements established for the examinations.

Sec. 070-35 Personnel Officer

WPS

Personnel Officer shall be a staff employee of SDSW, and shall be responsible to the Director, and through the Director to the SSWB. It shall be his responsibility:

1. To develop and put into effect procedures for carrying out personnel policies;
2. To participate in the preparation of and to administer the classification plans and compensation plans;
3. To maintain personnel records of all persons employed and records of all personnel actions;
4. To request certifications of eligibles from examining agency;
5. To report to the Director on selection of eligibles, promotions, salary advancements, demotions, transfers, dismissals, resignations, and all types of appointments;
6. To affirm retention or dismissal of probationary employees at close of probationary period in accordance with specific recommendations received from appointing authority concerned;
7. To record all dismissals of probationers resulting from failure or unwillingness of appointing authority to specifically recommend attainment of permanent status for employees concerned;
8. To provide and administer a system of service ratings;
9. To make a report at least semi-annually on personnel activities of the agencies;
10. To notify examining agency, as promptly as practicable, regarding vacancies which may occur in the agencies;
11. To perform such other duties as are prescribed by these rules.

Sec. 070-50 Preparation of Classification Plan

WPS

070-50

The SSWB shall establish a comprehensive classification plan for all positions in the classified service.

The plan shall be based on investigation and analysis of duties and responsibilities of each position and each position shall be allocated to its proper class in the classification plan. The plan shall be developed after consultation with supervisory officials, classification specialists, and persons technically familiar with the character of the work. When complete, classification plan shall include for each class of position an appropriate title, a description of duties and responsibilities, and minimum requirements of training, experience, and other qualifications.

Sec. 070-55 Adoption of Classification Plan

WPS

070-55

The proposed classification plan, and any changes therein or additions thereto, shall be submitted by the Director after review to SSWB for action. The classification plan shall, when adopted by SSWB, constitute Part II of this regulation.

Thereafter, class titles so established shall be used in all personnel and financial records, in all communications, and in all examination procedures.

Sec. 070-60 Allocation of Positions

WPS

070-60

Each position in county agencies shall be allocated to one of the classes established by the classification plan. No person shall be appointed or promoted to any position until it has been properly classified as herein provided.

All positions substantially similar as to duties performed and responsibilities exercised by incumbents of such positions and as to the qualification requirements as shown in class specifications shall be allocated to same class.

Thereafter, as additional classes are established or existing classes are abolished or changed, such necessary allocation or reallocation shall be made to new or existing classes as is necessitated thereby.

Sec. 070-65 Revision of Classification Plan

WPS

070-65

Existing classes of positions may be abolished or changed or new classes added, in the same manner as the classification plans were originally adopted.

Sec. 070-70 Incumbents of Reallocated Positions

WPS

070-70

When a position is reallocated by county appointing authority to a different class, incumbent shall not be deemed eligible to continue in the position unless he would have been eligible for original appointment, promotion, transfer, or demotion to a position of the new class while serving in the position as previously allocated. If ineligible to continue in such position, he may be transferred, promoted, or demoted by appropriate action in accordance with such provision of these rules as SSWB may deem to be applicable. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted, or demoted, the provisions of these rules regarding separations shall apply.

Sec. 070-75 Class Specifications

WPS

070-75

For each class specification established by the SSWB, the SDSW shall maintain official class specifications as approved by the SSWB.

1. Official class title.
2. Definition of the class, indicating, in terms of duties, responsibilities, and/or place in the organization, positions to be included in and excluded from the class.
3. Statement of typical tasks to be performed by those holding positions allocated to the class.
4. Statement of minimum qualifications for determining fitness and qualifications of employees for each class of position and for temporary appointments and for applicants for examinations, which may include education, experience, knowledge, skills, ability, and personal and physical traits and characteristics.
5. Additional qualifications considered so desirable that any person considered for employment who possesses them may be given additional credit in evaluation of his qualifications, even though such additional qualifications are not a prerequisite to consideration for employment.
6. The adopted schedule of pay for the class.

Sec. 071-00 Establishment of Compensation Plan

WPS

071-00

The SSWB shall adopt a comprehensive compensation plan for all classes of positions. The plan shall include salary schedules for the various classes with salary of each class consistent with responsibility and difficulty of work as outlined in job specifications and shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities in like counties. With the restriction of Sec. 071-20, Salary Advancements, such compensation plan shall include, for each class of position, a minimum and a maximum rate, and intermediate rates to provide for steps in salary advancement without change of duty in recognition of meritorious service. In arriving at such salary ranges there shall be taken into consideration the advice and suggestions of appointing authorities and county officials, county ordinances or other laws, and prevailing rates of pay in other public employment and in private business, and the current cost of living.

075-60 **Sec. 075-60 Demotion****WPS**

A permanent employee may be demoted for inefficiency, or for other cause, but in all such cases employee shall have same rights of appeal to SSWB as employees who have been dismissed.

076-00 **Sec. 076-00 Tenure of Office****WPS**

Tenure of office of every permanent employee shall be during good behavior and satisfactory performance of his duties as recorded by his service rating. This provision, however, shall not be interpreted to prevent separation of an employee for cause, or separation of an employee because of lack of funds or curtailment of work, when made in accordance with these rules.

076-05 **Sec. 076-05 Reduction of Force****WPS**

Appointing authority may separate any employee, without prejudice, because of lack of funds or curtailment of work. No permanent employee, however, shall be separated while there are emergency, intermittent, temporary, or provisional employees serving in same class of position in same county agency. Order of separations due to reduction of force shall be based upon service ratings and seniority, under a formula to be formally established by SDSW and approved by SSWB. All such separations shall be reported to SDSW which, in turn, shall notify examining agency.

For each class there shall be maintained appropriate reemployment lists consisting of names of all persons who have occupied positions with probationary or permanent status in a class and who have been laid off, or who have resigned in good standing and who, within one year from date of their resignation, with consent of appointing authority and SSWB, have withdrawn their resignations.

Order in which names shall appear on reemployment list shall be determined by relative order of combined scores of efficiency as shown by service ratings and seniority.

076-10 **Sec. 076-10 Resignation****WPS**

An employee who resigns shall submit reasons therefor in writing to appointing authority, a copy of which shall be forwarded to SDSW.

A resignation relates only to specific position from which employee resigns and does not impair his rights on other eligible lists.

076-15 **Sec. 076-15 Withdrawal of Resignation****WPS**

Within one year of date of his resignation, a permanent employee may withdraw his resignation on recommendation of appointing authority and with approval of SDSW, whereupon his name shall be placed on reemployment list for class from which he resigned, his position on such list to be determined by his combined score for efficiency and seniority at time of resigning. (See Sec. 073-20, Reemployment Lists.)

Probationary or limited term employee may in same manner withdraw his resignation, whereupon he shall be restored to eligible list on basis of his original score.

076-20 **Sec. 076-20 Reinstatement to Previous Class of Position****WPS**

Upon request of appointing authority, a permanent, probationary, or limited term employee who has resigned while in good standing, or who has been separated without prejudice or without fault or delinquency on part of employee, shall be eligible for reinstatement within a period of three years. Reinstatements may be made in a position in a class from which employee was separated or in a position in another class having substantially similar duties, responsibilities and qualifications, and substantially the same salary range, and provided that employee has submitted adequate evidence to SDSW that employee possesses required ability and fitness to perform duties for class of position to which he is being considered for reinstatement.

Resigned probationer may be reinstated to a position subject to completion of remainder of his probationary term. Resigned limited term employee may be reinstated only for remainder of the limited term. Resigned permanent employee may be reinstated to a limited term position whereupon he shall become subject to these rules as they relate to status, tenure, and manner of separation of limited term employees.

076-30 **Sec. 076-30 Suspension****WPS**

Appointing authority or any officer or employee authorized by appointing authority may immediately, for disciplinary purposes, suspend an employee without pay for not exceeding 30 days in any calendar year by notifying employee thereof. Such suspension without pay shall be valid only in event written reasons are served on employee within five working days of date of suspension, setting out clearly the delinquency for which this suspension was made. A copy of suspension notice shall be filed with SDSW.

Sec. 075-00 Method of Making Promotions
WPS

075-00

As far as is practicable and feasible, a vacancy shall be filled by promotion of a qualified permanent employee based upon individual performance, as evidenced by recorded service ratings, with due consideration for length of service, and upon capacity for the new position as demonstrated by a promotional examination. (For exception to written promotional examinations, see Sec. 075-35, Noncompetitive Promotions.) Preference in promotion may be given to employees within an agency. All inter-agency promotions must be approved by appointing authorities concerned.

Candidate for promotion must be certified by examining agency to possess qualifications for position as set forth in specifications for the class of position for which he is a candidate or he shall submit adequate evidence to SDSW that he possesses the required ability and fitness to perform the duties of the position, and he shall be required by examining agency to qualify for the new position by promotional competitive examination administered by examining agency.

Sec. 075-10 Promotion by Competitive Examination
WPS

075-10

If it is determined by the SSWB to fill vacancies in a particular class of position by promotional competitive examination, such examination shall be given under the direction of the examining agency. A promotional competitive examination may be limited to employees of county agency concerned or may, with approval of the SSWB, be open to employees of other county agencies.

An employee to be eligible to compete for promotion must have permanent status in a lower related class, except that limited term appointees who, immediately preceding their limited term appointment, had permanent status in a class designated as eligible for promotion, may compete in said promotional examinations as though they then held the appropriate status.

No applicant shall be eligible to compete in a promotional examination unless his service rating at time of last regular report was 85 per cent or higher.

Sec. 075-20 Contents of Promotional Competitive Examination
WPS

075-20

A promotional competitive examination shall consist of any combination of the following: written tests, ratings on training and experience, evaluation of recorded service ratings and seniority, performance tests, and qualification appraisals. The combination in each case and procedures for determination of qualifying grade shall be announced by examining agency in advance of examination, and shall take into consideration approved practices.

Sec. 075-30 Certification From Promotional Eligible List
WPS

075-30

All employees who qualify in promotional examination shall be placed on a promotional eligible list for the class of position in the order of their examination ratings.

If a promotional and an original eligible list exist, the same number of names shall be certified from each list in accordance with Sec. 073-60, Certification of Names. Appointing authority may make selection from names submitted from either register, giving such preference to present employees as the good of the service will permit.

Sec. 075-35 Noncompetitive Promotions
WPS

075-35

Notwithstanding the provisions of any other section of these rules, an appointing authority upon presentation of valid reasons may be permitted by the SSWB to make promotions within a county welfare department or between county welfare departments on a noncompetitive basis. Such promotions shall be made only if the employee to be promoted in this manner shall have permanent status in the next lower classification within a series of positions, if his report of performance shall be 85 per cent or more, and if he meets the minimum qualifications for the position for which he is being considered for promotion. Before any noncompetitive promotion may be made, the qualifications of the employee being considered for such promotion shall have been certified by the examining agency as meeting the minimum requirements as to training and experience required for the position for which he is being considered for promotion.

The SDSW shall determine the classes of positions from which and to which such promotions may be made within a series of positions.

Sec. 075-50 Inter-Agency Transfer of Employee
WPS

075-50

Transfer of an employee from a position in one organizational subdivision of a county agency to a position of same class in another organizational subdivision of same or another county agency may be made at any time by appointing authorities concerned. All inter-agency transfers must be certified by SDSW. No increase or advance in salary shall be made upon a transfer, unless the regulations governing salary advancement are complied with.

Sec. 075-55 Inter-Class Transfer of Employee
WPS

075-55

Transfer of a permanent employee from a position in one class to a position in another class having substantially the same entrance salary shall be made only upon certification of SDSW with approval of appointing authorities concerned. Examining agency shall require that employee meet entrance requirements established for position in new class, or submit adequate evidence to SDSW that he possesses required ability and fitness to perform duties of position to which he is being considered for transfer. Examining agency may also require a qualifying examination.

Transfer from a lower to a higher class of position is a promotion and shall be made only in manner prescribed in Sec. 075-00, Method of Making Promotions.

Notwithstanding anything in this or any other section, an employee may be required to perform such duties as appointing authority finds necessary for a period not in excess of one hundred and twenty days.

078-60 **Sec. 078-60 Religious and Political Discrimination or Disclosure****WPS**

No question in any form of application or in any examination shall be so framed as to elicit information concerning political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be disountenanced. No discriminations shall be exercised, threatened, or promised by any person in employ of county agencies or SDSW against or in favor of any applicant, eligible, or employee because of his political or religious opinions or affiliations except as provided in Subdivision 11, Sec. 071-95, Disqualification of Applicants.

No recommendation of any applicant, eligible, or employee involving a disclosure of his political or religious opinions or affiliations shall be considered or filed by county agencies, SSWB, or any officer or employee of any agency concerned in making appointments or promotions.

078-80 **Sec. 078-80 Other Employment****WPS**

No employee shall have conflicting employment while in employ of a county agency. Determination of such conflict shall be made by SDSW.

079-00 **Sec. 079-00 Payroll Certification****WPS**

In cooperation with county agencies, a plan shall be adopted providing for certification of payrolls by SDSW. Such plans shall provide for review of payrolls within four weeks following each payroll period.

079-30 **Sec. 079-30 Records and Reports****WPS**

SDSW shall establish and maintain a service record for each employee, showing name, title, organizational unit, salary, changes in status, service ratings, and such other personnel information as may be considered pertinent. Every recommendation for temporary or permanent change in status of an employee shall be submitted on prescribed forms to SDSW which shall submit recommendations to appointing authority. All personnel records shall be open to inspection of SSWB. SDSW shall make written report annually, to SSWB and county agencies on personnel activities and procedures of county agencies. A copy shall be simultaneously filed with examining agency.

079-60 **Sec. 079-60 Cooperation With Other Merit-System Agencies****WPS**

The SSWB may cooperate with other State departments or with Federal or other public agencies whose merit systems operate in conformity with standards comparable to those contained in these rules. The SSWB may recognize an appropriate eligible list for a class of position established under another merit system operating in conformity with these standards, and may accept regular certification from such eligible lists under Sec. 073-60, Certification of Names.

Upon the request of an appointing authority an employee, who, within a period of three years, has resigned from a public agency operating a Public Assistance or Child Welfare Services program under a recognized merit system in another state, shall be eligible for reinstatement to a comparable position in a California county welfare department operating under the provisions of these rules. Before any such reinstatement may be made, the following conditions must be satisfied:

- (1) That there is valid evidence, submitted by the Merit System Council or by the former employers of the resigned employee, that the employment record of said employee within that agency has been entirely satisfactory and that the employee resigned while in good standing or was separated without prejudice or without fault or delinquency on his part, and
- (2) That the resigned employee had held a permanent, probationary, or a limited term position within the last three years with the other state agency in a class of position with duties and qualifications comparable to the position to which reinstatement is being requested, and
- (3) That the qualifications of the resigned employee shall have been certified by the examining agency as meeting the minimum requirements as to training and experience required for the position for which reinstatement has been requested, and
- (4) That upon reinstatement and appointment, the employee shall be required to serve a complete probationary period required of all original appointments in accordance with Sec. 074-00 Original Appointments.

079-70 **Sec. 079-70 Applicability****WPS**

All positions in county agencies engaged in administration of State public assistance and Child Welfare Services programs shall be filled by persons selected on basis of merit in accordance with these rules, excepting those positions in counties in which a merit system has been in effect prior to January 1, 1940, and excepting those positions hereinbefore exempted in Sec. 070-00, Definitions.

In counties in which a merit system has been in effect prior to January 1, 1940, SSWB may delegate to the civil service agency in any such county, responsibility for operation of a merit system plan, providing standards of qualifications and examinations are equal to or higher than standards required by these rules.

079-80 **Sec. 079-80 Amendments****WPS**

If and when it appears desirable in the interest of good administration, the SSWB may, after consultation with the counties, make additions to or amend these rules.

Any county which may in the future adopt a comprehensive merit system program by county ordinance covering personnel administering California public assistance and/or Child Welfare Services programs of the Social Security Act, shall submit copy of ordinance to SSWB. SSWB shall then transmit the ordinance and rules and regulations to the Social Security Board of the Federal Security Agency, and/or the Children's Bureau of the United States Department of Labor, for review and consideration as an amendment to the California Plan.

Sec. 077-15 Reinstatement Following Military Leave
WPS

077-15

Any individual granted military leave in accordance with Sec. 077-10, Military Leave, shall have right to be restored to his former position with same status formerly held by him upon application by him in writing to SSWB within 90 days after termination of such military service; *provided*, that position he held at time of his entrance into military service has not been abolished during his absence. In event that such position has been abolished, the individual returning from military leave shall be considered separated from employment and shall lose his right to reinstatement.

The position of an individual on military leave shall be considered as not having been abolished if there is existing at time of request for reinstatement in same county agency in which he was employed at least one position of same classification and title as position in which he was employed at time his military leave was granted. In event that no such position is vacant at time reinstatement is requested, appointing authority shall effect the layoff of an employee who has not been granted military leave in accordance with Sec. 076-05, Reduction of Force, in order to provide a vacant position for individual returning from military leave. However, if individual who replaced the employee on military leave is still employed in that position by county agency at time of requested reinstatement, replacee shall be separated forthwith.

Sec. 077-20 Appointment to Fill Military Leave Vacancy

077-20

WPS

An appointment to a position vacated as a result of military leave under provisions of Sec. 077-10, Military Leave, shall be made from names certified from an appropriate employment list in the same manner as provided for permanent appointment under Sec. 073-60, Certification of Names, except that individual appointed to such a position as result of vacancy created by military leave shall be notified in writing by appointing authority that duration of his employment shall be subject to return and subsequent reinstatement of individual who is on military leave. This provision shall apply likewise to any successive appointment made to same position.

Sec. 077-25 Name of Person Filling Military Leave Vacancy to Remain on Employment List

077-25

WPS

The name of an individual certified from an employment list to fill a position vacated as result of military leave shall remain on that employment list and he shall be certified to all future permanent positions as provided for in Sec. 073-60, Certification of Names, in same manner as if he had not been certified to a position vacated as result of military leave.

Sec. 077-30 Restoration of Name to Employment List After Military Leave

077-30

WPS

If name of an individual is placed on an inactive employment list in accordance with Sec. 073-70, Response by Certified Eligible, or Sec. 073-90, Voluntary Withdrawal from Active List, or if name of an individual is removed from an active employment list in accordance with Sec. 073-10, Removal of Names from Eligible Lists, subdivision 2, because of individual's absence due to military service, his name may be restored to appropriate active employment list by presenting written evidence of such military service to SDSW within 90 days after termination of his military service. In event that employment list existing at time of individual's entrance into military service has expired at time individual requests restoration to employment list, name of individual shall be restored to active employment list resulting from an examination given during his military service. In event that employment list containing name of individual has been replaced since his entrance into military service by an employment list resulting from another examination, name of individual shall be ranked on new active employment list on basis of his total percentage rating in the earlier examination and in proper relationship to the other total percentage ratings on the more recent examination.

Sec. 078-00 Service Ratings

078-00

WPS

The SDSW in consultation with appointing authorities shall establish and make effective a system of service ratings designed to give a fair evaluation of quality and quantity of work performed in agencies. In so far as practicable, systems of service ratings in agencies shall be uniform. Such ratings shall be prepared and recorded for all permanent employees at regular intervals not to exceed six months and for probationary employees at intervals of three months and before end of last month of probationary period. Service ratings shall be considered in determining salary advancements and in making promotions, demotions, dismissals, and in determining order of separations due to reduction of force. An employee shall be notified of his service rating in writing by SDSW.

It shall be duty of appointing authority during probationary period of each employee to investigate thoroughly his conduct, capacity, moral responsibility and integrity to determine whether employee is fully qualified for permanent status. Report on those and other designated qualities and characteristics shall be made for each probationary employee at end of each three months, and maintained in county agency subject to inspection of SDSW. Before end of last month of probationary period, such reports and a final report shall be made to SDSW on forms prescribed by SDSW.

Sec. 078-50 Interference With Elections

078-50

WPS

No employee of a county agency or SDSW, engaged on a full- or part-time basis in administration and operation of State public assistance or Child Welfare Services programs, shall use his official authority or influence for purpose of interfering with an election or affecting the results thereof. All persons occupying positions other than those exempted in definition 4, Sec. 070-00, Definitions, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

f. If residence is not determined under subdivision a, b, c, d, or e, above, then the following shall be invoked:

County in which child is living shall be deemed the county of residence when child has been physically present in county for one year. This applies to child who does not have a parent or guardian in the State to establish county residence for him, or whose parent or guardian cannot be located after a complete investigation by the county. It also applies to a child living in an institution, except when the county places the child in the institution, in which case the county in which the child has residence at time of placement shall be considered his residence. The county may accept an application from person who is actually caring for child regardless of relationship between child and such person, or, if this procedure is not deemed advisable, the county may, in its own behalf, file an application for support for child. (See Sec. 125-05, Residence of ANC Child, Application for Aid Filed by Institution.)

Example a: Half orphan child living in County A with mother since 1940. Mother dies September 30, 1942. Child remains in same county living in home of uncle. Uncle appointed child's legal guardian on October 20, 1942. Uncle dies June 6, 1943. Child continues to reside with uncle's wife in County A. Application for ANC filed August 15, 1943.

Child's residence in County A determined by natural mother (subdivision b) from August 15, 1942, through September 30, 1942; by physical presence (subdivision f) October 1, 1942, to October 20, 1942; by guardian (subdivision c) from October 20, 1942, to June 6, 1943; by physical presence (subdivision f) from June 7, 1943, to date of application.

Example b: Relatives make application for ANC for a half-orphan child living with them in County A. The father's whereabouts has been unknown for two years and, after a complete investigation the county is unable to locate him. The child has no legal guardian and is not a ward of the Juvenile Court, and the provisions of W. & I. C. Sec. 1526 (e) do not apply. Therefore, residence is determined under W. & I. C. Sec. 1526 (f), that is, physical presence.

under ANC law, the following rules shall govern and shall be operative in consecutive order; i.e., subdivision a must be applied first and if that is not applicable, subdivision b must be applied; if that is not applicable then c must be applied, etc.:

- a. Residence of father determines that of child during lifetime of father unless father has abandoned child, has been legally deprived of its custody, or is in fact living separate and apart from mother of child. In the latter case, residence of child is determined by residence of parent who has his custody. "Legally deprived of its custody" is held to mean deprived of custody (1) because of the appointment of a legal guardian; (2) by reason of a court order declaring the child free from the parents' care and custody under Sec. 775 et seq. of the W. & I. C. or (3) by court order in a divorce action. A parent of a child who is made a ward of the Juvenile Court under Sec. 700 of the W. & I. C. is not deprived of custody by reason of such commitment.
- b. If child's residence is not determined under subdivision a, then residence of mother determines that of child during lifetime of mother, unless mother has abandoned child or has been legally deprived of its custody. (See subdivision a for definition of "legally deprived of custody.") Residence of husband shall not be deemed residence of wife when they are living separate and apart and in such case each may have a separate residence, dependent upon proof of the fact. The fact of living separate and apart in such instance implies physical separation and may be voluntary, or may be involuntary, e.g., when husband is a patient in public or private hospital or inmate of a prison or in a county jail for a continued length of time.
- c. If the residence of the child is not determined under subdivision a or b above, then residence of any individual who has been appointed legal guardian determines the residence of the child.

If the residence of the child is not determined under subdivision a or b above, the child has no guardian and such child is a ward of the Juvenile Court, the county in which the court is located shall be considered the residence of the child.

- d. A foundling is deemed to have county residence in the county in which he is found.
- e. If the residence of the child is not determined under subdivision a, b, c, or d above, and the child has been placed in an institution or boarding home by a public agency, the county in which the child has residence at the time of such placement shall be considered the residence of the child until his residence can be determined under subdivision a, b, or c.

For the purposes of this section, a boarding home is a private family home which accepts one or more children to board with or without compensation, except that this does not apply to the boarding of nieces, nephews, grandchildren, brothers, or sisters.

Example: Family resided in County A. Mother died and father's whereabouts became unknown. County A placed child in an institution in County B, located father and secured support. Subsequently father disappeared and it was necessary to apply for ANC. For purposes of ANC, the residence of the child remains County A until and unless his residence can be determined under subdivision a or c.

3. Payments received because of judgments or nonrecurring lump sum payments received because of compensation laws;
4. Cash or securities received by inheritance, either by will or by succession; (See Secs. 132-52, Undistributed Estates, and 144-10, Determination of Personal Property Value of Undistributed Estates.)
5. Proceeds, exclusive of interest, from the conversion of personal property, such as the sale of stocks or bonds, or the sale of real property;
6. The proceeds resulting from the sale of an entire holding of livestock, poultry, etc.; (See Sec. 146-00, Conversion of Property.)
7. An heir's share of any estate, which share has been distributed and of which he has present economic use;
8. A trust when the property is in fact available in whole or in part.

The fact that the personal property is held in another state or country is not occasion for disregarding it when determining eligibility.

Monies received from any of the following sources shall be considered as income for the month received. The amount which remains from any such income as of the first of the following month shall be considered as personal property subject to the limitations of the law.

1. Proceeds from farm crops;
2. Commissions;
3. Nonrecurring accumulated pension funds;
4. Regular periodic compensation payments both industrial and unemployment;
5. Annual rentals for farm lands;
6. Earnings of personal property such as interest or dividends.
7. Cash received by eligible children as beneficiaries of an insurance policy, or by parents, except when such parent is a beneficiary of a spouse's insurance policy.

141-10 Sec. 141-10 Ownership of Personal Property Defined W&IC Secs. 2163.1

OAS; ANB; APSB; ANC

The term "owner" includes all persons who hold title either legal or equitable to personal property, regardless of its location. In OAS, ANB, and APSB it also includes the vendor (i.e., the seller) and the vendee (i.e., the buyer) of personal property under a conditional sales contract.

Personal property is considered to be owned if it is held under any of the following conditions:

1. Clear of all indebtedness;
2. Subject to a mortgage, or other obligation against it, or if it has been placed as collateral;
3. Subject to purchase from another party under a conditional sales contract;
4. Subject to sale to another party under a conditional sales contract;
5. In an undistributed estate when the property is in fact available prior to distribution of the estate. (See Sec. 144-10, Determination of Personal Property Value of Undistributed Estates.)
6. In a trust when the property is in fact available in whole or in part. (See Sec. 144-08, Determination of Value of Trust Funds.)

Personal property may be owned:

1. As separate property;
2. As community property;
3. In joint tenancy;
4. In tenancy in common;
5. In a partnership;
6. By a corporation.

141-15 Sec. 141-15 Determination of Ownership of Personal Property W&IC Secs. 1521, 2141, 2163, 3047,

OAS; ANB; APSB; ANC

3075, 3447, 3460

In OAS, ANB, and APSB ownership of all personal property shall be established as the first step in determining that the value of personal property holdings is within the limitation for the respective category of aid.

In ANC only ownership of cash, securities and insurance policies shall be established.

The county assessor's or tax collector's rolls may contain information regarding ownership of personal property; however, not all personal property is subject to taxation and those records do not necessarily reveal all of the personal property owned.

Sec. 141-00 Types of Personal Property ~~W&IC Secs. 1521, 2163.2, 2163.1, 2163~~
OAS; ANB; APSB

141-00

All property which is not real property is personal property. The following types of holding shall be considered when determining the value of the applicant's personal property.

1. Cash on hand, in a bank, in postal savings, or in a safe deposit box, stocks, bonds, notes, mortgages, deeds of trust, livestock and fowl, farm or other implements, vehicles, jewelry and other items of similar character. In ANB and APSB household goods other than that which is determined to be inconsequential resource, is considered personal property. (See Sec. 140-10, Personal Property, ANB and APSB Laws.) ;

In OAS, clothing, furniture, household equipment, foodstuffs, and fuel used primarily for commercial purposes or profit and not customarily used by the recipient and his immediate family are considered personal property. It is the presumption which may be refuted that the furniture in the home of the applicant or recipient is not personal property ;

2. The net cash surrender value of any insurance policy of less than five years' standing;
3. The net cash surrender value of that portion of an insurance policy or policies in effect 5 years or more which exceeds a net value at maturity of \$1,000 (See Sec. 143-82, Definitions of Insurance Terms) ;
4. Dividends on insurance policies left on deposit with the company and available to the applicant upon demand ;

5. The value of a commercial or other business enterprise;

6. Proceeds received by recipients from the following sources:

a. Payments received because of judgments or nonrecurring lump sum payments received because of compensation laws ;
b. Personal property received through inheritance, either by will or succession; (See Secs. 132-52, Undistributed Estates, and 144-10, Determination of Personal Property Value of Undistributed Estates.)
c. Cash received in a lump sum by the insured from the surrender or maturing of insurance policies ;
d. Cash received by the recipient as beneficiary of an insurance policy or policies carried by the spouse.

7. Proceeds resulting from conversion of property:

a. The return, exclusive of interest, dividends, etc., resulting from the sale of real or personal property ;
b. The proceeds resulting from the sale of an entire holding of livestock, poultry, etc. (See Sec. 146-00, Conversion of Property.)

8. The lessee's interest in lease of real property for a period of years;

9. An heir's interest in an undistributed estate only when the property in the undistributed estate is in fact personal property and is available to the recipient prior to distribution.

10. A trust when the property is in fact available in whole or in part.

The fact that the personal property is held in another state or country is not occasion for disregarding it when determining eligibility.

Sec. 141-05 Types of Personal Property ~~W&IC Secs. 1521, 1521.5~~
ANC

141-05

Personal property considered in determining eligibility in ANC is restricted to cash and securities. Cash includes commercial or savings accounts, postal savings, and building and loan accounts. Securities include current net cash surrender value of insurance and market value of stocks, bonds, notes, mortgages, deeds of trust, etc. Securities also include an heir's interest in an undistributed estate when the property in the undistributed estate is in fact cash and/or securities and is available to the recipient prior to the distribution.

The following shall be considered as personal property immediately upon receipt and thereafter:

1. Cash received in a lump sum from the surrender or maturing of insurance policies owned by parents or children ;
2. Cash received as beneficiary of an insurance policy of a spouse ;

142-10 Sec. 142-10 Limitations on Personal Property W&IC Secs. 1521.5, 1521, 1560

ANC

No aid under the ANC Law shall be granted or paid for any orphan child who has cash and/or securities, the total value of which exceeds \$250, nor for any child or children in one family who have, or whose parents have, or the child or children and parents have, cash or securities the combined value of which exceeds \$500. (See Sec. 141-05, Types of Personal Property.)

A child's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property for the purposes of ANC. (See Sec. 144-10, Determination of Personal Property Value of Undistributed Estates.)

Each whole orphan of a group of whole orphans of one family may have cash and/or securities valued at \$250. A parent/parents and one child or a parent/parents and several children may have combined cash and/or securities valued at \$500.

Cash and/or securities including cash surrender value of insurance policies which are the exclusive property of child or children who are not *eligible* for ANC shall not be considered in determining eligibility of other children in the family.

If a child in a family group has an amount in trust which is restricted for his use alone by the terms of the trust or by court order, and which is in excess of the amount allowed under the law, the other children in the family shall not be disqualified for aid because of this fact. When there are no restrictions on the use of money received as a judgment, or from other sources, and it may be used for the family, such funds should be considered in determining eligibility of all the children in the family unit.

Example:

Mary, one of five children for whom application is made by their mother has \$1,000, which was awarded her because of injuries in an accident. By court order it is set aside for her use only. Mary would be disqualified for aid, but the eligibility of the other children would not be affected.

Cash and securities, including cash surrender value of insurance, are the only types of personal property considered in determining eligibility for ANC. The value of household furnishings, an automobile, or livestock and farm equipment is not considered. The maintenance of a car by a parent of children receiving ANC is authorized only when it is necessary as a means of adding to the household income, or if required for transportation or the conveying of supplies.

142-25 Sec. 142-25 Change in Value of Personal Property W&IC Secs. 1521, 1560, 2141, 2163, 3047, 3075, 3447, 3460
OAS; ANB; APSB; ANC

The value of personal property may increase or decrease due to the fluctuating nature of the value of individual holdings; for example, the value of stocks and other securities. In general, the cash surrender value of insurance increases with the lapse of time.

In OAS, ANB, and APSB eligibility may be affected as the value of livestock varies with market conditions and with the natural increase of flocks and herds. Automobiles decrease in value as they become older.

When the value of personal property holdings of the applicant or recipient (parent or child in ANC) approaches the maximum permitted under the law, a slight variation in the value of an individual holding may affect eligibility for aid and a redetermination of the value is necessary at frequent intervals. (See Secs. 140-00, Provisions of the W. & I. Code Regarding Personal Property, and 142-05, Limitations on Personal Property.)

Sec. 141-20 Separate and Community Personal Property ~~W&IC Secs. 2140, 2163~~
OAS; ANB; APSB

141-20

Evidence shall be secured to establish that property purported to be the separate property of the spouse is, in fact, his or her separate property. (See Glossary—Separate Property and Community and Separate Property.) Personal property which is determined to be the separate property of the spouse shall not be considered in determining the value of the applicant's personal property. The full value of separate personal property is considered in determining eligibility of the owner.

Each of a couple is presumed to own an equal interest in community personal property. Title to community property may be held jointly in the name of each of the couple, or it may be held in the name of either spouse. All property held in the name of the spouse of a married applicant is presumed to be community property, but the presumption may be refuted by evidence which establishes the property as separate property.

The net cash surrender value of nonexempt insurance may be either community or separate personal property, depending upon the facts. (See Sec. 143-86, Determination of Value of Nonexempt Insurance.)

Sec. 141-30 Personal Property of Minor Children ~~W&IC Secs. 2140, 2163, 3047, 3075, 3447,~~
~~3460~~
OAS; ANB; APSB

141-30

Personal property owned by minor children of an applicant for, or recipient of, OAS, ANB, and APSB shall not be considered in determining eligibility of the applicant or recipient. Such property is the property of the minor child and not of the parent.

Insurance policies held by minor children of applicants for, or recipients of, OAS, ANB, and APSB are considered to be the property of the child and not the property of the parent. Since such policies are the property of the child, the cash surrender value does not affect the eligibility of the parent. Emancipation of the child has no bearing on the ownership of such insurance.

Sec. 142-00 Limitations on Personal Property ~~W&IC Secs. 2163, 2163.2, 2163.7~~
OAS

142-00

The separate personal property of the applicant together with his share of the personal property which is held in community with the spouse shall not exceed \$600, after all encumbrances of record in the county recorder's office against such property have been deducted. Each of a couple is eligible when, after deducting the recorded encumbrances of record, the separate personal property of the particular applicant or recipient together with his share of the community property does not exceed \$600 and other eligibility requirements are met.

The value of personal effects including clothing, furniture, household equipment, foodstuffs, fuel, and other similar items and encumbrances against such articles, shall not be considered when determining the value of personal property unless such items are used primarily for commercial purposes or profit. (See Secs. 141-00, Types of Personal Property, and 143-83, Distinction Between Exempt and Non-exempt Insurance as Personal Property.)

The value of a house (including a trailer, boat, or other such abode), owned by an applicant or recipient and used by him as his home, but located on the property of another, represents real rather than personal property.

Sec. 142-05 Limitations on Personal Property ~~W&IC Secs. 3075, 3460~~
ANB; APSB

142-05

A recipient of ANB may own cash, securities or cash surrender value of insurance sufficient for relief from the distress of poverty, including a reasonable reserve for contingencies, of \$600 in value. (See Secs. 141-00, Types of Personal Property, and 143-83, Distinction Between Exempt and Non-exempt Insurance as Personal Property.) When a recipient's circumstances indicate the possibility of rehabilitation, and he has taken definite steps to avail himself of a plan of rehabilitation, he may own additional cash, securities or cash surrender value of insurance, of a value reasonably necessary or advantageous to carry out such plan.

Approval of an application for APSB includes approval of a plan for self-support, therefore, the \$600 limitation on cash, securities and cash surrender value of insurance is not applicable to recipients of APSB.

In no instance may a recipient of ANB or APSB own real or personal property the combined assessed value of which, less all encumbrances thereon of record, exceeds \$3,000.

143-35 **Sec. 143-35 Determination of Value of Cash on Hand and in Safe Deposit Boxes** W&IC Secs. 103, 103.5, 103.6, 1521, 1560, 2140, 2141, 2163, 3047, 3075, 3447, 3460
OAS; ANB; APSB; ANC

The amount of cash or currency in the personal possession of the applicant (parent or child in ANC) shall be ascertained. The applicant is the only source of verification of this type of holding. When he declares cash in his personal possession in an amount in excess of that which seems necessary for reasonable household expenses pending receipt of aid, verification shall be made by requesting him to count it in the presence of the public assistance worker. Verification shall be made in the same manner if the amount declared together with other personal property approaches the maximum for the particular category of aid.

When the applicant rents or otherwise has use of a safe deposit box, he shall be required to review the contents of the box and to count the amount of cash or currency contained therein in the presence of the public assistance worker. (At the time the contents of a safe deposit box are reviewed to determine the amount of money, if any, contained in it, the worker should note in detail all pertinent information regarding stock certificates, bonds, mortgages, deeds of trust, insurance policies, or other types of personal property in the safe deposit box.)

143-37 **Sec. 143-37 Determination of Value of Bank and Postal Savings Accounts** W&IC Secs. 103, 103.5, 103.6, 1521, 1560, 2140, 2141, 2163, 3047, 3075, 3447, 3460
OAS; ANB; APSB; ANC

The actual amount of all funds in bank accounts and postal savings accounts shall be established.

The actual amount of bank holdings shall be verified through the particular bank. If, however, a request for verification has been forwarded to a bank in another county or state and a 30-day follow-up brings no response, the granting of aid need not be delayed provided the bank book in the applicant's possession shows with reasonable certainty the current balance in the account.

When an applicant's name appears with that of another person on a joint or trustee account, there is the presumption that the applicant is the owner of all of the funds in the account. When the applicant contends that all of the funds in the account do not belong to him, effort shall be made to establish his interest in it. That portion which is established as belonging to the applicant is considered in determining his eligibility. An affidavit of either of the parties as to the ownership of the funds in a joint account is itself inadequate verification. Such an affidavit shall be supported by other facts which clearly establish that the account, or a portion of it, belongs to some one other than the applicant.

The value of postal savings accounts shall be verified through the U. S. Post Office. (See Sec. 141-20, Separate and Community Personal Property.)

143-40 **Sec. 143-40 Determination of Value of Building and Loan Accounts** W&IC Secs. 103, 103.5, 103.6, 103.7, 1521, 1560, 2140, 2141, 2163, 3072, 3075, 3447, 3460
OAS; ANB; APSB; ANC

The actual amount on deposit with building and loan associations or other financial concerns shall be ascertained and considered in determining eligibility. If any such company is in process of liquidation under receivership proceedings, the current market value of the building and loan certificates or other evidence of interest therein shall be considered rather than the actual amount deposited with the company. (See Sec. 141-20, Separate and Community Personal Property.)

Sec. 143-20 Determination of Value of Personal Property in Another County or State

143-20

OAS; ANB; APSB; ANC ~~W&IC Secs. 1550, 2183, 103, 103.5, 103.6, 1560, 2140, 2141, 3075, 3460, 1521, 2163, 3047, 3447~~

The value of personal property in another county or state shall be established in accordance with the provisions of the specific category of aid by correspondence with officials, agencies, or qualified individuals.

If no response to an inquiry is received and a 30-day follow-up brings no results, aid shall not be denied at the expiration of the 60-day period in OAS, or 90-day period in ANB, APSB or ANC, provided other evidence is available which establishes the value of the personal property. Such evidence might include a bank book or bank statement in possession of the applicant, or documents in his possession which establish with reasonable accuracy the value of the holdings.

In ANB and APSB, the value of assessed personal property in another county or state may be determined from tax receipts in possession of the applicant if a 30-day follow-up to correspondence brings no results.

Sec. 143-25 Determination of Value of Personal Property in Another Country ~~W&IC Secs. 103, 143-25~~
OAS; ANB; APSB; ANC ~~103.5, 103.6, 1521, 1560, 2140, 2141, 2163, 3047, 3075, 3447, 3460~~

The value of personal property owned in another country shall be considered in determining eligibility. The current rate of exchange shall be used to convert foreign values into U. S. monetary units. For example, if the current market value of certain Mexican bonds is 1,000 pesos and the rate of exchange is 5 pesos to 1 dollar the value to be considered is \$200.

If property is confiscated, i.e., seized by a government for public use, its value is not considered when determining eligibility; however, the possibility of indemnity should be explored. Assets which are impounded, i.e., seized and held in custody of the law presumably for safe keeping, represent personal property to be considered in determining eligibility.

During the period of hostilities the current market value of notes and mortgages, secured by property located in countries at war, or in conquered or occupied countries, and the value of stocks and bonds issued by foreign concerns located in those countries cannot be determined through the usual foreign channels. Their present value, if any, shall be ascertained through local banks, brokers or other financial institutions. Investigation of their value through the usual foreign channels need not be pursued until such time as hostilities have ceased or until verification through these sources is again possible, aid to continue during the investigation if the recipients remain otherwise eligible.

143-57 **Sec. 143-57 Determination of Ownership of War Bonds When Co-owner Named
OAS; ANB; APSB; ANC**

Civil Code 704

A person named as a co-owner and having possession of a war bond shall be deemed to be the presumptive owner thereof unless such ownership is refuted by evidence that all or part of the funds used to purchase the bond did not belong to him. When the contention is made that all of the funds used to purchase the bond did not belong to the person, and that the bond was not a gift, effort shall be made to establish the extent of his interest in it. That portion which is established as belonging to the applicant (in ANC, the parent, child or children) is considered in determining his eligibility.

The fact that there may be two co-owners of the bond shall not in itself determine that the bond is jointly owned. The person whose name appears on the bond as co-owner and who does not have possession of such bond shall not be presumed to own any part of the bond unless evidence refuting such presumption is set forth. Upon the death of one co-owner the surviving co-owner of any savings bonds or other bonds and obligations of the U. S. becomes the sole owner unless Federal laws or regulations governing the issuance thereof, provide otherwise. (See Sec. 143-55, Determination of Value of Stocks and Bonds, and Sec. 145-10, Personal Property Acquired by Inheritance.)

143-60 **Sec. 143-60 Determination of Value of Commercial or Other Business Enterprise
OAS; ANB; APSB** *W&IC Secs. 103, 103.5,
103.6, 1521, 1560, 2140, 2141, 2163, 3047, 3075, 3447, 3460*

In OAS, the current market value of an applicant's interest in personal property as represented by the stock on hand, fixtures and equipment, and the "accounts receivable" of a commercial or other

Sec. 143-45 Determination of Value of Notes, Mortgages and Deeds of Trust ~~W&IC Secs. 103, 143-45
OAS; ANB; APSB; ANC 103.5, 103.6, 1521, 1560, 2140, 2141, 2163, 3047, 3075, 3447, 3460~~

The current market value of notes, mortgages and deeds of trust, i.e., the amount which could be realized if such instruments were offered for quick sale, shall be ascertained and considered in determining eligibility. (See Secs. 142-05, Limitations on Personal Property, and 143-15, Encumbrances on Personal Property.)

An estimate of the current market value of notes, mortgages and deeds of trust shall be secured from local bankers, realtors, loan companies or others qualified to make such estimates. Two or more estimates should be secured when the first estimate of the total personal property holdings is slightly below or above the maximum allowed for the particular category of aid. Additional estimates should also be secured if the first estimate appears to be unrealistic in light of the factors affecting current market value. (For exception see Sec. 143-25, Determination of Value of Personal Property in Another Country.)

Sec. 143-55 Determination of Value of Stocks and Bonds ~~W&IC Secs. 103, 103.5, 103.6, 143-55
OAS; ANB; APSB; ANC 1521, 1560, 2140, 2141, 2163, 3047, 3447, 3075, 3460, Civil Code 704~~

In OAS and ANC, the actual current market value of stocks and bonds, including mutual water and irrigation stock when such stock represents personal property (see Irrigation and Water Stock, Glossary), shall be considered in determining the value of personal property holdings. In ANB and APSB, when stocks and bonds are assessed this value shall be used. When stocks and bonds are not assessed, the current market value shall be used in determining eligibility. (See Secs. 142-05, Limitations on Personal Property and 143-15, Encumbrances on Personal Property.)

The current market value of all U. S. savings bonds or other bonds or obligations of the U. S. registered in the name of one person payable on death to a named survivor, represent personal property of the registered owner during his lifetime. Upon the death of the registered owner they become the property of the named survivor unless Federal laws and regulations governing the issuance thereof provide otherwise. The current market value of such bonds shall be considered in determining the eligibility of the survivor. (See Sec. 145-10, Personal Property Acquired by Inheritance.)

232-00 **Sec. 232-00 Non-County Residence Procedure** W&IC Secs. 2160(c&d), 3043, 3042, 3432

OAS; ANB; APSB

Except as investigation of eligibility relates to residence, applications involving non-county aid are handled in exactly the same manner as those in which the county participates in the payment of aid. (See Sec. 122-15, Non-County Residence.)

The county shall determine when aid is to be paid on a non-county basis by obtaining the following:

1. Evidence of applicant's State residence; in ANB and APSB two completed Affidavits of Residence (Form Bl 221). (See Sec. 129-00, Determination of State and County Residence.)
2. Applicant's Affidavit of Intent As to Residence (Form Ag, Bl 204).
3. Verification of date applicant established residence in present county.
4. Verification of date residence in county of application was lost if applicant formerly had residence in present county.

Original or certified copies of the foregoing shall be submitted to the SDSW with Application (Form Ag, Bl 200) when aid is to be paid on a non-county basis, and exact copies shall be retained in the county case record.

232-05 **Sec. 232-05 Applicant's Affidavit of Intent as to Residence in Non-County Cases** W&IC Secs. 114, 2160(c&d), 3042, 3043, 3432

OAS; ANB; APSB

The Applicant's Affidavit of Intent as to Residence (Form Ag, Bl 204) shall be completed for every application recommended for non-county aid. Ordinarily the form is completed at the time the application is signed.

The applicant certifies to the date on which he came to the county of application and the date on which by intent he established a residence therein. The applicant also reports as accurately as possible his whereabouts for the past three years immediately preceding the date of application and reason for each removal. If this report shows that the applicant formerly lived in the county in which the application is made, determination shall be made as to whether this residence has been lost. There may be instances when the history of the applicant's residence over a longer period must be secured but, generally, a record of his whereabouts for the past three years is sufficient.

Sec. 231-05 Verification of Age and Birth W&IC Sec. 1522

231-05

ANC

The Age Chapter, 105-00, lists acceptable evidence of age and birth in ANC.

Birth certificate or verification from a state bureau of vital statistics or county recorder, or baptismal certificate are preferred types of birth evidence.

When birth is not verified by a preferred type of evidence, the case record shall show the efforts made by the county to secure such evidence.

Sec. 231-10 Instructions for Evidence of Age Form W&IC Secs. 114, 3040, 3430

231-10

ANB; APSB

Summary of Evidence of Age (Form Bl 203) shall be used when the county record does not contain the original age evidence which is required when the applicant states he is less than 21 years of age. (See Sec. 106-05, Proof of Age Required in ANB and APSB.) Original documents, such as birth or baptismal certificates or other documents of personal value to the individual should remain in his possession.

The nature and date of the original evidence and the place where it may be reviewed shall be recorded on Form Bl 203. Under "Evidence is in possession of" give permanent location of the evidence, including address of the person who has it. The county worker who reviewed the evidence shall sign and date the form.

Sec. 231-50 Citizenship Verification W&IC Sec. 2160(b)

231-50

OAS

The county shall ascertain the citizenship status of the applicant for OAS in accordance with the provisions of the Citizenship Chapter, 112-00. It is the responsibility of the applicant in so far as he is able, to give information to assist the county in securing such verification.

Information regarding citizenship shall be retained in the county case record. The record shall show that any conflicts which appear in the various pieces of evidence have been reconciled. Original documents such as naturalization certificates or other documents of personal value to the individual should remain in his possession. (See Sec. 236-00, Summary of Review of Documentary Evidence.)

2. W. & I. C. Sec. 1526 (c)—**Guardian**
 - a. Affidavit of County Residence (Form CA 204, Section A), giving date of guardian's arrival in county, date on which residence was established by union of act and intent, and a report of residence during the year immediately preceding the date residence was established in the county of application.
 - b. Evidence supporting guardian's statement on Form CA 204 such as employment record, rent or utility receipts, etc., or an affidavit of a person other than guardian or applicant with personal knowledge of the guardian's residence for the period in question.
 - c. Certified copy of guardianship award, or review of such award recorded on the Summary of Information from Documentary Evidence (Form CA 203).
3. W. & I. C. Sec. 1526 (c)—**Court Ward (Residence Not Governed by Parent or Guardian)**
Written statement of the representative of the juvenile court or probation officer verifying date child was adjudged a ward of the juvenile court and the section of the juvenile court law under which such action was taken; or Form CA 203 of the county worker covering the same information.
4. W. & I. C. Sec. 1526 (e)—**Child Placed in Institution or Boarding Home by Public Agency**
 - a. Statement of Non-County Residence (Form CA 234, Section 2) establishing the county in which the child has residence at time of placement.
 - b. Statement of the county worker in Section 4 of Form CA 234, giving date of placement of child, whether child placed in boarding home or institution, and name of agency making placement. (For definition of boarding home see Sec. 122-10.)
5. W. & I. C. Sec. 1526 (f)—**Physical Presence**
Affidavit of County Residence (Form CA 204, Section B) establishing the exact date of child's last arrival in county of application and child's continuous physical presence since last arrival or Form CA 203 summarizing public records such as those of institutions, hospitals, welfare departments, etc., verifying date of last arrival and continuous physical presence since last arrival.

Original or certified copies of documentary evidence required above shall be submitted to the SDSW with Application (Form CA 200) and Certificate of Eligibility (Form CA 201) when aid is to be paid on a non-county basis, and exact copies shall be retained in the county case record.

232-25 **Sec. 232-25 Affidavit of County Residence W&IC Secs. 114, 1512, 1525, 1526**

ANC

Section A of Affidavit of County Residence (Form CA 204) establishes intent of the person determining child's residence and also reports his residence during the year immediately preceding the date residence was established in the county of application. If there have been changes in county of residence within the year covered by this report, it is essential that the person's intent as to residence at the time each change was made be shown under the appropriate heading. If the person determining residence for the child formerly resided in the present county of application, Form CA 204 shall clearly establish that such former residence was lost in order to prove eligibility to non-county aid.

Section B of Form CA 204 is used when the child's residence is determined by physical presence, except when such physical presence is verified through continuous public records.

Sec. 232-10 Affidavit Regarding Residence of Applicant W&IC Secs. 114, 2160(c&d), 3042, 232-10
OAS; ANB; APSB; ANC 3043, 3432, 1512, 1525, 1526

The Affidavit regarding Residence of Applicant (Form Ag, Bl, CA 221) is completed by persons who have knowledge of an applicant's residence. In OAS, this form is the most frequently used evidence of State and county residence. (See Sec. 129-00, Determination of State and County Residence.) For each approved ANB or APSB application two such forms properly completed, as set forth in Sec. 129-00, are required. This form may be used when necessary in ANC (see Sec. 129-05, Proof of State Residence). The signature on the form shall be acknowledged by a person qualified to acknowledge an affidavit.

Sec. 232-20 Non-County Residence Procedure W&IC Secs. 114, 1512, 1525, 1526

232-20

ANC

Except as the investigation of eligibility relates to residence, applications involving non-county aid are handled in exactly the same manner as those in which the county participates in the payment of aid.

In the investigation of eligibility for non-county aid in ANC, the following shall be obtained in every case:

1. Evidence of State residence (see Secs. 121-20, State Residence, and 129-05, Proof of State Residence).
2. Statement of Non-County Residence (Form CA 234) to show child's county residence during the one year immediately preceding the date residence was established in the county of application, and how such residence was determined.

In addition, evidence shall be obtained under the governing subdivision of W. & I. C. Sec. 1526 as follows. (See Sec. 122-10, Determination of County Residence.)

1. W. & I. C. Sec. 1526 (a) or (b)—Parent

- a. Affidavit of County Residence (Form CA 204 Section A) giving date of parent's arrival in county, date on which residence was established by union of act and intent, and a report of residence during the year immediately preceding the date residence was established in the county of application.
- b. Evidence supporting parent's statement on Form CA 204 such as employment record, rent or utility receipts, etc., or an affidavit of a person other than parent or applicant with personal knowledge of the parent's residence for the period in question.

233-00 **Sec. 233-00 Verification of Real and Personal Property** W&IC Secs. 1520, 1521, 2163, 2164,
OAS; ANB; APSB; ANC 2165, 2165a, 3047, 3447

Real and personal property shall be verified through the sources indicated and in the manner outlined for the various types of real and personal property. (See Chapters 130-00, Real Property, and 140-00, Personal Property.)

Verifications obtained shall be retained or reported in the county record. The report of interviews or of examination of documents shall include the source of verification, the findings, and the dates of steps in the investigation. The name or names of those participating in the investigation should be recorded and the signature or initials of the person searching the records should be on any special forms.

The county case record shall contain a complete explanation of any complicated situation regarding the property. If a transfer has been made, but not for the purpose of qualifying for aid, record the value of property according to requirements of the specific category of aid, and the income, if any, in the record. If the investigation shows that a transfer was made of property (1) having a greater value than the maximum set by law or (2) which reduced the value of remaining property thus bringing it within the maximum, but such transfer was not made for the purpose of qualifying for aid, the facts which resulted in this conclusion shall be included in the case record.

233-25 **Sec. 233-25 Verification of Income** W&IC Secs. 1523, 2020, 3084, 3472

OAS; ANB; APSB; ANC

All income received by an applicant for OAS, ANB, APSB, and in ANC by parent and/or children shall be verified and the net income determined. In OAS, ANB, and APSB, the case history shall show the methods used in verifying the gross income and in computing the net income, indicating those items which were deducted from the gross income in determining the net income. In ANC, the budget for the family unit shall show how the net income was determined.

The method of verification varies with the type of income. Ordinarily, income should be verified through the most direct source, such as employer, tenant, bank, etc. When employment is irregular and performed for different employers, or when the applicant operates his own business, his own record of his income and/or disbursements may be the only source of verification. He may have in his possession documents which substantiate his statements.

233-50 **Sec. 233-50 Verification of Plan for Self-Support** W&IC Secs. 114, 3047, 3075, 3473

ANB; APSB

To determine whether an applicant for or recipient of APSB is able to secure and willing to use resources and income he is permitted to retain for the purpose of achieving self-support, and whether an applicant for or recipient of ANB, who owns cash and securities in excess of \$600, has a plan for rehabilitation, the following criteria should be applied:

1. He has a reasonably adequate plan which may lead to self-support.
2. He evinces a sincere and sustained effort to further that plan.

The amount of money earned by an applicant or recipient is not a criterion in determining adequacy of the plan if the foregoing qualifications are met.

The county shall discuss with the applicant or recipient his plan for achieving self-support. The plan should be evaluated with the participation of the applicant or recipient, giving consideration to

Sec. 232-27 Statement Re Non-County Residence W&IC Secs. 114, 1512, 1525, 1526
ANC

232-27

Statement Re Non-County Residence (Form CA 234) is used to report the county's investigation of the basis for determining the child's residence at the time of application and during the year immediately preceding the date residence began in county of application. This form is required for every application submitted on a non-county basis. One Form CA 234 may be used for all children in one family whose residence is determined by the same set of facts (e.g., residence of parent or guardian, same period of physical residence, etc.) Form CA 234 shall show each change in the basis for determining residence even though the county of residence remains the same. Under "Reason," Item 2, the reason why the appropriate subdivision of Sec. 1526 of the W. & I. C. governs residence shall be indicated.

Sec. 232-40 Change of County Residence Prior to Granting of Aid W&IC Secs. 114, 1525, 1526
232-40
OAS; ANB; APSB; ANC 2160(c&d), 3040, 3041, 3043

An applicant for OAS, ANB, or APSB, or a child in whose behalf an application for ANC has been filed, whose residence is changed to a second county before the board of supervisors acts on the application, ceases to be the responsibility of the first county. Transfer procedure is not applicable and shall not be followed, as such a case is not covered by transfer provisions of the law. The application shall be denied by the first county and a new application shall be received in the second county. In each case of removal to a second county, before an application is denied in the first county it shall be determined whether the applicant or person determining the child's residence has established another residence by union of act and intent, or is absent for a temporary period with intent to retain residence in the county of application. (See Sec. 124-10, Absence from County for Temporary or Specific Purpose.)

The county should explain to the applicant the procedure which is followed should he change his residence while the investigation is being completed and the possible delay in the granting of aid which may result from such removal.

When there is a change in residence, the first county shall expedite investigation in the second county by placing at its disposal the information gained in its investigation.

If aid is granted by the board of supervisors before prior change of residence is discovered, the first county may continue aid until the earliest date agreeable to both counties, at which time the second county grants aid on a non-county basis until the required period of residence is completed.

records and may not be destroyed irrespective of the length of time that aid may have been discontinued. When aid has been discontinued for five years or more the narrative record (case history) may, upon authorization of the board of supervisors, be destroyed but not until its content has been photographed in such manner that it may be reproduced.

236-40 **Sec. 236-40 Purpose and Method of Recording in ANC** *W&IC Secs. 114, 1560*
ANC

Case recording is a part of the process of determining eligibility for aid and of planning for the family's well-being and future independence. An accurate, complete case record justifies the expenditure of public money by showing that funds have been fairly and impartially administered in accordance with the provisions of the law. The case record protects the client and the social worker, improves the service to the client, conserves the efforts of the agency, and assists in evaluating the quality and quantity of the agency's work.

Adequate recording of the status of eligibility includes both securing and recording accurate information. Pertinent social information which makes one family situation differ from another shall be carefully recorded in order that the individual needs of the family may be met within the limitations of the law and the rulings of the SDSW.

Preceding sections in this chapter have indicated material which shall be recorded in the narrative to clearly establish eligibility on points not completely covered by the Certificate of Verification of Eligibility (Form CA 201) or to make necessary explanation of information recorded on Form CA 201.

Either chronological or horizontal case recording may be used. Chronological recording means recording in which entries are made in the case record in chronological sequence under the dates on which information is received or developments occur. Topical headings are often used to indicate the nature of the information recorded under a certain date. Summaries of developments over a period of time may supplement the chronological record.

Horizontal recording provides for entries in the case record under the appropriate subject or topic, i.e., residence, property, etc. Separate sheets, usually of different colors are used for each general topic, for example blue paper for all information pertinent to residence, pink paper to record data on property, etc.

236-50 **Sec. 236-50 The Topical Outline in ANC Recording** *W&IC Secs. 114, 1560*
ANC

The following outline has been suggested in ANC for recording pertinent information from the time aid is recommended until it is discontinued. It is not all inclusive but should be adapted to the situation in each case. The individual situation may likewise make it advisable to rearrange the order of the outline. Although the material is presented in topical form suitable for chronological recording, it may be adapted to horizontal or other types of recording. Summaries, based on the topical outline may be helpful when eligibility has been determined, when reinvestigation is complete, when the progress of a plan for a family is being evaluated, or when the case is being transferred. Summaries made after eligibility is established should not duplicate material in previous summaries, but should summarize changes or developments in the family situation.

TOPICAL OUTLINE FOR NARRATIVE HISTORY

I. DATE, SOURCE, AND REASON FOR REFERRAL

- A. Self, other agency, etc.
- B. Lack of income, death of head of family, etc.

II. FAMILY STATUS

- A. Members, age
- B. Parents' status
 - 1. Proof of parentage
 - 2. Whereabouts and situation of both parents
 - 3. Classification

Sec. 236-20 Instructions for Report of Investigation

W&IC Secs. 114, 2140, 3075, 3460

236-20

OAS; ANB; APSB

The Report of Investigation (Form Ag, Bl 202) provides a method for recording information on all points of eligibility.

In ANB and APSB, either this form or a substitute combination of the Face Sheet (Form DPA 4 is suggested) and narrative shall be in the case record. In OAS, approval of the SDSW to discontinue the use of Form Ag 202 may be requested provided the following conditions are met:

1. A face sheet is completed, (see Suggested Face Sheet, Form DPA 4);
2. A uniform plan of case recording is followed;
3. The face sheet and the recording cover all the information requested on the Form Ag 202.

A copy of the face sheet and a detailed outline of the material included in the case record should be submitted with the written request.

All items on the Form Ag, Bl 202, pertaining to each applicant should be completed. When more explanation is required than space on the form permits, a supplementary report shall be made elsewhere in the case record.

Sec. 236-30 Content of Case Record

W&IC Secs. 114, 2140, 3075, 3460

236-30

OAS; ANB; APSB; ANC

The county shall maintain case records containing all information secured relative to each applicant for or recipient of aid or each child or children for whom application is made or who is receiving aid, including verification of points of eligibility which have been summarized on the Certificate of Eligibility (Form Ag, Bl, CA 201) prior to its submission to the board of supervisors. When aid is denied, the case record shall contain full information relating to any point upon which denial is based. If there are pertinent conflicts in information relating to eligibility or ineligibility, the case record shall show how these were reconciled.

In OAS, ANB, and APSB, the case record shall contain the face sheet, when used, and the narrative record. It shall contain the Report of Investigation (Form Ag, Bl 202) except as provided in Section 236-20, Instructions for Report of Investigation.

In ANC, the case record shall contain the face sheet (unless a substitute plan has been approved by the SDSW), a social history, and subsequent narrative entries.

The case records shall also include, in a uniform arrangement, copies of all forms completed in connection with an application and investigation including the forms required for submission to the SDSW, as well as those devised by the county; a carbon copy of Notification of Action by the Board of Supervisors (Form Ag, Bl, CA 239) and copies of all correspondence. It is not required that a copy of the Social Data Record Card (Form Ag, Bl, CA 230) be retained in the county case record. The Application (Form Ag, Bl, CA 200) and Certificate of Eligibility (Form Ag, Bl, CA 201) shall be either original or certified copies or duplicate copies. An original signature is necessary on the Form Ag, Bl, CA 200. Original or facsimile signatures may be used on the Form Ag, Bl, CA 201.

In ANB and APSB, a review shall be made at time of annual reinvestigation to determine the program under which the applicant qualifies for aid. The case history shall contain a record of the efforts of the applicant to achieve self-support, and his progress in this direction. When an applicant finds it necessary to change his plan for rehabilitation, the case record should contain information regarding the factors upon which his decision was based.

Sec. 236-35 Disposal of Case History

W&IC Secs. 1562, 2190, 3091.5

236-35

OAS; ANB; APSB; ANC

The Application (Form Ag, Bl, CA 200), Recipient's Affirmation of Eligibility (Form Ag, Bl, CA 206), Certificate of Reinvestigation of Eligibility (Form Ag, Bl, CA 207 or 208), Certificate of Verification of Eligibility (Form Ag, Bl, CA 201), together with all documents supporting verification, Notice of Change (Form Ag, Bl, CA 232) and other accounting records, are held to be permanent

326-10 Sec. 326-10 Appeal From County Inaction W&IC Secs. 103, 103.5, 103.6, 104.5, 1551, 1560,
 2140, 2141, 2182, 3086, 3075, 3460, 3473
 OAS; ANB; APSB; ANC

A person has the right of appeal when the county does not permit him to make application for aid. The appellant in that event submits a personal affidavit to the SDSW giving reasons for his belief that he is eligible for aid and showing that the county did not permit him to sign an application for aid.

The SDSW investigation in this type of appeal only establishes the facts as to the appellant's attempt to apply for aid. If the SSWB determines that the county did not allow the appellant to apply, the SSWB may order the county to take the application.

Should the county subsequently deny such application, the applicant may then appeal against county denial.

326-20 Sec. 326-20 Court Review of State Social Welfare Board Decision W&IC Secs. 2183, 2182.1

OAS; ANB; APSB; ANC

If the applicant or recipient is dissatisfied with any decision of the SSWB, he may file with the Superior Court of the county in which he resides, a petition, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case.

If the decision of the court is in favor of the applicant or recipient of aid, aid shall be paid from the first of the month following date of application therefor, and the applicant or recipient shall be entitled to reasonable attorney's fees and costs. If the court should, when the decision is in favor of the applicant, make a finding as to attorney's fees and costs, such fees and costs would be charged as indicated by the court's ruling.

330-00 Sec. 330-00 Dispute Regarding Responsibility for an Applicant W&IC Secs. 1528, 2143, 3092, 3463

OAS; ANB; APSB; ANC

When a dispute arises between two counties regarding that county which is responsible for the support of an individual, either county may submit the dispute to the SDSW. The SDSW shall weigh the evidence presented and fix responsibility for support.

When a county wishes to refer to the SDSW a dispute with another county as to responsibility for payment of aid, Appeal as to Responsibility for Support (Form DPA 6) after completion by signature of the chairman of the board of supervisors, shall be submitted in triplicate to the SDSW. Additional data shall be submitted to the SDSW with Form DPA 6 and should include information as to the counties in which the applicant, or in ANC the child or person who determines the residence of the child/children, has resided, with the dates of such residence, and the information on which there is not agreement.

Upon receipt of the appeal, the SDSW sends a copy of Form DPA 6 to the chairman of the board of supervisors and county welfare director in the other interested county or counties and requests a report from them. If no reply is received from the other county or counties within 30 days, the SDSW renders its decision on the basis of the facts known to it.

When no conflict is revealed in the facts reported by the counties, such facts are presumed to be correct. When a conflict exists, the SDSW draws this to the attention of the counties concerned and requests an additional investigation and report. As a general rule, the SDSW does not make an investigation or interview the person concerned but renders its decision upon the basis of the facts presented by the counties. The decision of the SDSW may be appealed to the SSWB.

In an appeal to the SSWB the decision of the SDSW is presented and the counties submit their contentions by letter, brief, or verbal argument at the time of hearing.

Sec. 325-80 Notification of State Social Welfare Board Decision W&IC Secs. 103, 104.5, 1551, 325-80
OAS; ANB; APSB; ANC 2182, 3086, 3473

Notification of the SSWB decision is sent by mail immediately after the hearing to the appellant, the chairman of the county board of supervisors, the county auditor and the county welfare department.

Sec. 325-85 Record of Hearing and Decision W&IC. Secs. 103, 104.5

325-85

OAS; ANB; APSB; ANC

A verbatim record is made of each hearing. A copy of this record becomes a permanent part of the appellant's case record in the SDSW.

After the SSWB renders its decision, the facts upon which the decision is based and the final decision are filed with the assistant secretary of the SSWB. Summaries of each hearing and decision are included in the minutes of the meeting which are reviewed and passed upon by the SSWB at the subsequent meeting.

Sec. 325-90 Disposition of Case After State Social Welfare Board Decision

W&IC. Sec. 2182

325-90

OAS; ANB; APSB; ANC

The county shall pay the appellant the amount of aid awarded by the SSWB, if a grant of aid is ordered, or carry out any other order of the SSWB. If the county fails to comply with the SSWB decision within 60 days or a reasonable period of time, the SSWB may cite the county to show cause for its failure to make the grant as directed. The SSWB may withhold State and Federal categorical aid funds from the county to enforce compliance with a SSWB decision.

When, after the SSWB has taken action on an appeal, there is a change in the appellant's circumstances the case is handled according to ordinary routine procedures. Further referral to the SSWB is not necessary unless a new basis for appeal arises.

Sec. 325-95 Re-Appeals W&IC. Secs. 103, 104.5, 103.5, 103.6, 1551, 1560, 2140,

325-95

OAS; ANB; APSB; ANC

2141, 2182, 3075, 3086, 3460, 3473

A person, or county, may not be satisfied with the decision of the SSWB regarding an appeal because it is believed that all pertinent facts were not available and/or not considered at the hearing. Additional evidence may be submitted by appellant or county to the SDSW for presentation to the SSWB with a request for a rehearing. When the SSWB decides that the additional evidence is pertinent and has not been considered at the appeal hearing, another hearing may be granted.

In OAS a person may not appeal again until a year has elapsed, unless there is new evidence. After the expiration of a year, the appellant, if he desires, has the right to appeal again regardless of the lack of evidence.

Sec. 326-00 Re-Application for Aid After Denial of Appeal W&IC Secs. 103, 103.5, 104.5,

326-00

OAS

2140, 2141, 2182

An applicant whose appeal has been denied by SSWB may not again apply for aid until one year has elapsed from the date of his previous application except with the county's consent or by order of SDSW. A change in applicant's circumstances before a year has elapsed following the denial of his application is occasion for the county to reconsider his eligibility. (See Sec. 325-95, Re-Appeals.)

Sec. 326-05 Appeal Regarding Degree of BlindnessThis section is a cross reference
and does not require sourcing

326-05

ANB; APSB

See Sec. 180-25, Successive Eye Examination Reports, regarding procedure for securing reports of eye examinations when appeal is based on degree of blindness.

361-30 **Sec. 361-30 Suspension Procedure** ~~W&IC Sec. 2220, 113, 114, 120, 1560, 2140, 3075, 3460~~
OAS; ANB; APSB; ANC

Upon instruction so to do by the SDSW, the county shall cancel, suspend, or revoke aid.

Aid shall be suspended by the county when there is neither proof of continued eligibility nor proof of ineligibility. Suspension is the process whereby delivery of a warrant for a particular month for a current case is withheld beyond the month for which the warrant is issued while circumstances which raise question regarding the recipient's continued eligibility are investigated. Upon completion of the investigation suspended warrants are either released to the recipient or canceled. Discontinuance of aid differs from suspension in that aid is discontinued only when the information establishes ineligibility for continued aid. (See Sec. 361-50, Discontinuance of Aid.) Under no circumstances shall an initial payment be suspended. (See Sec. 611-60, Initial Payments.)

When eligibility is established and the warrant is delivered on or before the last day of the month for which it is issued suspension action is not necessary.

In ANB and APSB, aid shall not be discontinued or suspended upon receipt of a Physician's Report of Eye Examination (Form Bl 227) which raises question as to the degree of blindness. Such a report shall be considered as conflicting evidence of eligibility in that one or more Forms Bl 227 indicating eligibility were previously obtained. The procedure outlined in Sec. 361-40, Continued Eligibility Questioned on Basis of Physician's Report of Eye Examination, shall be followed.

When information which raises question regarding continued eligibility makes it advisable to withhold delivery of the warrant for a particular month investigation of the eligibility question which caused the suspended payment shall proceed promptly and with all diligence in order that eligibility for continued aid may be established at the earliest possible date.

Upon request of the SDSW, an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension and show county action approving the suspension. The action of the board of supervisors shall be taken not later than the first meeting of the month following that in which delivery of a warrant is withheld.

When suspension action is necessary a notice shall be forwarded to the county auditor requesting that delivery of the warrant for the specified month be withheld. The specific reason why eligibility is questioned shall be recorded on the notification to the auditor, a copy of which shall be retained in the county case record.

Counties may devise their own form for notification to the county auditor. It may be advisable for such notification to be the same size as the warrant as this facilitates filing information regarding the dates of release with such warrants when they are returned to the auditor's office after having been cashed by the payee.

Sec. 361-25 Retroactive Aid Payments by County W&IC Secs. 1552.5, 2220, 3078.5, 3460

361-25

OAS; ANB; APSB; ANC

Retroactive aid means aid paid in a subsequent month for some preceding month or months. All payments of aid shall be made within the month for which aid is granted (see Sec. 611-50, Beginning Date of Aid) except that retroactive aid may be paid by the county in the following types of situations:

1. When retroactive aid is granted upon appeal to the SSWB (see Sec. 325-75, Retroactive Aid).
2. When retroactive initial payments are made because the investigation exceeded the period allowed by law for the particular category of aid as described in Sec. 611-70, Retroactive Initial Payments.
3. When a payment has been made for a given amount in conformity with the currently authorized award in effect at the time the payment was made, and it is found that the need for the month had increased. Retroactive aid may be paid provided the increase is approved by the board of supervisors and the supplementary warrant in the amount of the increase is issued and delivered before the end of the first month following that for which the retroactive payment is made. (Aid may not be restored retroactively under this provision.)

Example A: An OAS recipient receives \$40 in August, a \$10 deduction being made because of a son's contribution. On September 5, county learns that son ceased his contribution in July, and that recipient has had no other income. He was, therefore, eligible to receive \$50 for August. The board of supervisors may grant \$10 retroactive aid for August provided such action is taken in September and the warrant is delivered not later than September 30.

Example B: ANC in the amount of \$85 was paid for January to meet the budgetary deficiency for a family of mother and four children. On February 10, county learned that family had moved to more adequate living quarters and rent for January increased by \$7. The board of supervisors may grant \$7 retroactive aid for January provided such action is taken in February and the warrant is delivered not later than February 28.

4. When a payment in a particular month is made for less than the authorized award for that month and the erroneous payment is corrected within a three-month period, including the month in which the erroneous payment is made. No action by the board of supervisors is necessary. (In case of an erroneous discontinuance aid cannot be restored retroactively under this provision for the reason that there was no authorized award in effect for the month for which payment was due.)

Example: The authorized award for a recipient of ANB for January is \$50. Due to an error, the recipient was paid \$40 for January. County may pay recipient additional \$10 due for January in February and not later than March 31.

5. When an award has been made and remains in effect, but payment of aid is suspended as provided in Sec. 361-30, Suspension Procedure.
6. When a warrant is returned to the county auditor's office because of a change in address of the recipient such warrant may be held and retransmitted in the subsequent month to the recipient's new address.
7. When in a transferred case, the second county fails to begin aid on the date due. This is necessary to avoid interruption in receipt of aid. (See Sec. 122-67, Continuous Payment of Aid in Transferred Case.)

361-50 Sec. 361-50 Discontinuance of Aid

OAS; ANB; APSB

Aid shall be discontinued when the recipient does not meet the eligibility requirements of the respective category of aid.

In OAS and ANB when ineligibility resulted from income received, but receipt of that income was not discovered by the county in time to discontinue the aid effective not later than the last day of the second month following that in which the income was received, aid shall continue if the recipient is otherwise eligible. He shall be requested to reimburse the county to the extent of the aid paid in the month the income was received from resources he may have other than the grant of aid and the income to which he is currently eligible under the provisions of the law for the particular category of aid.

Example: A couple, the grant of OAS for each being \$50 a month, were joint beneficiaries of a friend's insurance policy. They received \$500 or \$250 each on August 15. Aid is discontinued August 31. (See Sec. 215-00, Restoration of Aid.) Should the county not learn of the income until September or October, aid is discontinued, effective September 30, or October 31, respectively. Should the county not learn of the income until November 5, when the annual reinvestigation is made, aid shall not be discontinued, but each recipient shall be requested to refund \$50.

Discontinuance of aid is effective as of the last day of the month for which the last warrant was delivered.

When a transfer of costs between counties falls upon the first day of the month, the effective date of discontinuance by the first county shall be the last day of the preceding month.

In OAS, ANB and APSB, when a warrant is issued but not delivered prior to the recipient's death, aid shall be discontinued as of the last day of the preceding month. (See Sec. 611-00, Payment When Grantee Dies.)

361-60 Sec. 361-60 Change in School Status Reported on Notice of Change

ANC

A change in school status as set forth in Sec. 235-25, Verification of School Attendance, shall be reported to the SDSW on the Notice of Change (Form CA 232). (See Sec. 363-15, Recording Change of School Status on Section III of Notice of Change.)

361-75 Sec. 361-75 Action by Board of Supervisors on Notices of Change

OAS; ANB; APSB; ANC

Action of the board of supervisors is required upon all Notices of Change (Form Ag, Bl, CA 232) except those which report school status for ANC.

Sec. 361-40 Continued Eligibility Questioned on Basis of Physician's Report of Eye Examination

361-40

ANB; APSB

W&IC Secs. 113, 114, 120, 1560, 2140, 3075, 3160

When a Physician's Report of Eye Examination (Form Bl 227) raises a question regarding degree of blindness of recipient, aid shall not be immediately discontinued. (See Sec. 180-50, Reexamination of Eyes to Determine Continued Eligibility, and Sec. 180-25, Successive Eye Examination Reports.) The warrant for the coming month shall be issued in the usual manner but delivery withheld, though not beyond the month for which it is drawn. The recipient shall be immediately notified that continued eligibility is questioned, that continuance of aid is dependent upon clearance of eligibility, and that he may submit a Form Bl 227 from another physician from the approved list.

The submission of a Form Bl 227 from another physician may be dependent upon factors such as health condition of the recipient, proximity to a qualified examiner, etc. When such conditions exist and a Form Bl 227 is not submitted prior to the end of the month for which the warrant is being held, the withheld warrant shall be released, provided it is delivered before the end of the month for which it is drawn. A second and final notice shall be sent to the recipient with the released warrant advising that further payment will not be made unless eligibility is immediately cleared.

When the Form Bl 227 secured by the recipient from another physician is in conflict with the one which raised a question regarding continued eligibility, the withheld warrant shall be released, provided it is delivered before the end of the month for which it is drawn. An examination by a third physician shall be authorized and paid for by the county in order that a decision may be made on the basis of the two reports which agree. (See Sec. 180-25.)

When a Form Bl 227 is submitted by a recipient prior to the end of the month for which the warrant is being held and the findings of the physician are in agreement with those which raised a question with regard to continued eligibility, the withheld warrant shall be canceled. Aid shall be discontinued as of the last day of the month preceding that for which the warrant is canceled and a Notice of Change (Form Bl 232) shall be sent to the SDSW. (See Sec. 361-50, Discontinuance of Aid.)

Upon the release of the warrant which was withheld because of a cloud on eligibility the warrant for the next or second month shall be issued and its delivery withheld, but not beyond the end of the month for which it is drawn.

If the physician's report of the third eye examination establishes eligibility for continued payments, the withheld warrant shall be delivered to the recipient before the end of the month for which it is drawn and aid shall continue in the amount to which the recipient is eligible.

If the physician's report of the third eye examination establishes ineligibility, or if eligibility is not determined by the end of the second month for which delivery of the warrant was withheld, the warrant shall be canceled and a Form Bl 232 discontinuing aid, effective with the last day of the month preceding that for which the warrant was canceled, shall be forwarded to the SDSW in the usual manner.

Under no circumstances shall warrants for more than two months be issued and withheld pending clearance of eligibility.

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SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
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DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES M. WOLLENBERG
DIRECTOR

Sacramento

November 2, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

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1815 REDWOOD HIGHWAY SOUTH
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IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very truly yours,

Charles M. Wollenberg

CHARLES M. WOLLENBERG, Director
Department of Social Welfare

172:786
Attachments

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FOR VICTORY



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OAKLAND XXXXXXXX

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POST OFFICE BOX 12
SALINAS

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BEN KOENIG XXXXXXXX
1680 NORTH VINE STREET
LOS ANGELES

Department of Social Welfare

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
October 21, 1943

DEPARTMENT BULLETIN NO. 225

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

Subject: Current Bulletins-
Aid to Needy Children

The following bulletins which relate to Aid to Needy Children are current. It is to be noted that certain portions of a number of these bulletins have already been incorporated in the Manual.

98-Rev.	Old Age and Survivor's Insurance Benefits
114-A	Repayments of Aid
141	Aid to Needy Children Opinion NS 3202
187	Reimbursement to Counties
196	Supreme Court Decision, Increase in State Participation
197	Monthly Statistical Report on Children's Aid, CA 237
203	Instructions for Completion of Forms CA 240 Revised (CIF) and CA 242 (TBF), Aid to Needy Children
205	Revised Method of Reporting on Statistical Reports, CA 237 and GR 237
205-A	Statistical Reporting for Persons in ANC Families not Included in Family Budget Unit
209	Standards of Adequate Care; Income; Determination of Need and Amount of Grant; Adjustments in Grants
212	Aid to Needy Children-Eighteenth Birthday
217	Aid to Needy Children August 4, 1943, Amendments
220	Categorical Aid Cases Closed Because of Receipt of Allotments and Allowances to Dependents of Men in the Armed Forces
222	Tuberculous Father Classification
224	OAS, ANB and ANC-Retroactive Aid

All other bulletins relating to Aid to Needy Children are obsolete.

(Authority: Sections 1560, 2140, 3075 and 119 of the Welfare and Institutions Code)

Very sincerely yours,

Marta A. Chickering

MARTHA A. CHICKERING, Director
Department of Social Welfare

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BLDG.
381 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BLDG.
995 MARKET STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

MISS MARTHA A. CHICKERING
DIRECTOR

Sacramento
October 21, 1943

DEPARTMENT BULLETIN NO. 227

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DEPARTMENTS
COUNTY AUDITORS

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ROUTE 1, BOX 55
LINDSAY

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POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 N. VINE ST.
LOS ANGELES

JOHN C. CUNEY
922 J STREET
MODESTO

HEBER BROWN
1419 BROADWAY
OAKLAND

Subject: Current Bulletins

The following Department Bulletins are in effect currently, either in whole or in part. Those portions which have been superseded by sections of the Manual of Policies and Procedures or by later bulletins are obsolete. All other Department Bulletins issued prior to this date are obsolete.

48 F Supplement	Aid to Blind, List of Physicians Skilled in Diseases of the Eye
48 G	Aid to Blind, Supplemental List of Physicians Skilled in Diseases of the Eye
69 C	Classification Plan for Positions in the California County Welfare Departments
69 D	Revisions of Specifications for Junior Stenographer-Clerk
69 E	Revisions of Specifications for Public Assistance Worker, Grades I and II
69 F	Summary of Revisions to the Classification Plan for County Welfare Departments
69 G	Revision of Specifications for Child Welfare Services Worker
88 B	OAS, ANB, APSB, Determining the Grant When Income is involved
98 Revised	Old Age and Survivor's Insurance Benefits
114 A	Repayments of Aid
136	Parolees from State Institutions
137	Parolees from State Institutions
141	Aid to Needy Children, Opinion NS 3202

143 Revised A Old Age Security, Need in Excess of Basic Grant, Income and Resources, Computation of Net Income from Labor and Services

143 Revised B Old Age Security, Budgetary Method of Determining Need

144 Revised Aid to Needy Blind, Rulings under Section 3084 of the Welfare and Institutions Code as Amended

144 Revised A Cancellation of Section 7, Subdivision C, of Department Bulletin No. 144 Revised

144 Revised B Aid to Needy Blind, Need in Excess of Basic Grant, Income and Resources, Computation of Net Income from Labor and Services

184 Compensation Plan

184 A Compensation Plan

187 Reimbursements to Counties

196 Supreme Court Decision, Increase in State Participation, Children's Aid

197 Monthly Statistical Report on Children's Aid, CA 237

203 Instructions for Completion of Forms CA 240 (CIF) and CA 242 (TBF), Division of Aid to Needy Children

205 Revised Method of Reporting on Statistical Reports, CA 237 and GR 237

205 A Statistical Reporting for Persons in ANC Families Not Included in the Family Budget Unit

206 Old Age Security, Restoration of Aid Following Discontinuance Because of Income from Employment

209 Aid to Needy Children, Standards of Adequate Care; Income; Determination of Need and Amount of Grant; Adjustments in Grants

211 Old Age Security, July 1, 1943, Amendments

212 Aid to Needy Children, Eighteenth Birthday

213 Current Old Age Security Bulletins

214 OAS, ANB, and APSB, Income

215 Section 2160.5

216 Aid to Needy Blind, Aid to Partially Self-Supporting Blind Residents, August 4, 1943 Amendments

217 Aid to Needy Children, August 4, 1943, Amendments

219 Old Age Security, Agricultural Labor

219 A Old Age Security, Current Income as It Relates to Agricultural Income

219 B Old Age Security, Agricultural Labor

220 Categorical Aid Cases Closed Because of Receipt of Allotments and Allowances to Dependents of Men in the Armed Forces

222 Tuberculous Father Classification, Aid to Needy Children

223 Current Bulletins, Aid to the Blind

224 OAS, ANB, and ANC - Retroactive Aid

225 Current Bulletins, Aid to Needy Children

226 Correction - Manual of Policies and Procedures, Sections 361-25 and 626-50

Very sincerely yours,

Marta A. Chickering
MARTHA A. CHICKERING, Director
Department of Social Welfare

(Authority: Sections 1560, 2140, 3075 and 119 of the Welfare and Institutions Code)

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
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DAVID HEWES BUILDING
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Earl Warren
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STATE OF CALIFORNIA

Department of Social Welfare

CHARLES M. WOLLENBERG
DIRECTOR

Sacramento

November 4, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

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IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulation, currently effective, made by the State Department of Social Welfare.

This regulation is filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very truly yours,



CHARLES M. WOLLENBERG, Director
Department of Social Welfare

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Sacramento

October 13, 1943

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1815 REDWOOD HIGHWAY SOUTH
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1680 N. VINE ST.
LOS ANGELES

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922 J STREET
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DEPARTMENT BULLETIN NO. 69-G

TO: COUNTY WELFARE DIRECTORS

Subject: Revision of Specifications for
Child Welfare Services Worker

Attached are revised pages 67, 68, and 69, for the classification of Child Welfare Services Worker, as approved by the State Social Welfare Board on May 27, 1943. These revised pages are to be inserted in your copy of The Classification Plan for County Welfare Departments.

Very sincerely yours,

MARTHA A. CHICKERING

MARTHA A. CHICKERING, Director
Department of Social Welfare

Attachments

(Authority: Sections 119.5 and 119.6 of the Welfare and Institutions Code)

FILED
In the office of the Secretary of State
of the State of California
NOV 5-1943
FRANK M. JORDAN, Secretary of State
By *Chas. S. Sayat* Deputy

Definition:

Under the administrative supervision of a County Welfare Director and with technical and consultive supervision from the State Department of Social Welfare, to provide case work service for the protection and care of children in need of such service; to give consultation service to other staff workers regarding specific cases involving the welfare of children; to cooperate with public and private agencies and groups for the best possible use of existing resources and the development of further facilities for the protection and care of children; and to perform related work as required.

Distinguishing Characteristics:

A position in this class is distinguished from Public Assistance Worker Grade II by the fact that a Child Welfare Services Worker is concerned with establishing and strengthening, especially in predominantly rural areas, child welfare services for the protection and care of homeless, dependent, and neglected children, and for developing adequate methods of community child welfare organization. The work may involve the carrying of a limited number of cases presenting problems of children and requiring individual attention and intensive service. These may include Aid to Needy Children, county indigent cases, or may be referred from other sources. Services may be rendered on a case work basis to children other than those who qualify for public assistance. The program is primarily one of developing public and private resources to promote a high standard general child welfare program for children in rural areas or in areas of special need. Considerable individual initiative and independence of judgment is permitted the Child Welfare Services Worker. This class is distinguished from Public Assistance Supervisor Grade I by the fact that the incumbent does not supervise any Public Assistance Workers. The relationship with other county employees is primarily advisory and consultive.

Typical Tasks:

Visiting children in their own homes, homes of relatives or boarding homes, and interviewing relatives, nurses, teachers and other interested agencies and individuals for the purpose of securing information necessary to determine service to be given or action to be taken; taking applications; making reinvestigations and performing services for a limited number of cases presenting problems of children which may include Aid to Needy Children, county indigent cases, or cases referred from other sources; locating and investigating foster homes; arranging foster care of children in private family homes or institutions, and supervising children placed therein; securing custodial or other care for mentally handicapped children; protecting children from exploitation, removing them from such surroundings if necessary, through procedures authorized by statute; assisting the courts by investigations, case work services and supervision; assisting schools in dealing with behavior problems; obtaining necessary psychological and psychiatric services for children in need of such services and carrying out a plan of treatment based on the findings; arranging for medical and health services for children in need of such care; studying the need of additional medical and health services which could be made available for the welfare of children in the community, and assisting in promoting the development of such a program; giving consultation service on child welfare problems to members of the county staff; cooperating with public and private agencies in

giving service to children; conducting studies to demonstrate need for services which might be available for children in the community; stimulating community interest in child welfare problems and in ways of meeting them; securing local financial participation in the child welfare program; maintaining case histories on all children under care; dictating letters and preparing necessary reports; making addresses to interested organizations and other groups concerning child welfare; attending and participating in group and committee discussions of social problems affecting children generally.

Minimum Qualifications:

Education: Equivalent to that represented by graduation from college and at least one year of successfully completed graduate study in a recognized school of social work.

AND

Experience: Two years within the last ten years of successful paid employment in a social work capacity relating to child or family welfare in a public or private agency.

OR

Alternate Education and Experience Requirements: One additional year of successfully completed study in a recognized school of social work may be substituted for one year of the required experience.

Knowledge:

- (1) Thorough knowledge of the provisions of the California Welfare and Institutions Code pertaining to Aid to Needy Children and general knowledge of the Welfare and Institutions Code pertaining to Old Age Security and Aid to the Needy Blind.
- (2) General knowledge of the titles of the Social Security Act pertaining to Old Age Assistance, Aid to the Blind, and Aid to Dependent Children.
- (3) Thorough knowledge of problems which call for the use of public and private community resources.
- (4) Thorough knowledge of the social case work methods of interviewing and recording.
- (5) Thorough knowledge of modern social welfare techniques, with particular reference to child welfare.
- (6) Wide knowledge of the conditions in rural areas and of the methods of strengthening and extending child welfare services.
- (7) General knowledge of the purposes and activities of the various public and private welfare agencies in California.

CHILD WELFARE SERVICES WORKER

Ability:

- (1) To utilize and coordinate local resources, to work with committees and groups, and to participate in community activities.
- (2) To evaluate social conditions in rural areas, and to develop special child welfare programs.
- (3) To address an audience effectively.
- (4) To size up people and situations accurately, to adopt an effective course of action, and to get along well with others.
- (5) To prepare complete and concise reports.
- (6) To follow oral and written directions.

Personal Characteristics:

Initiative, integrity, neat personal appearance, pleasing personality, resourcefulness, keenness of observation, good judgment, good health, and freedom from disabling defects.

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616 K STREET

LOS ANGELES OFFICE
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311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES M. WOLLENBERG
DIRECTOR

Sacramento

November 9, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

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Very truly yours,

Charles M. Wollenberg

CHARLES M. WOLLENBERG, Director
Department of Social Welfare

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Attachments

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In the office of the Secretary of State
of the State of California

NOV 10 1943

FRANK M. JORDAN, Secretary of State

By *Chas. M. Wollenberg* Deputy

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DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES M. WOLLENBERG
DIRECTOR

Sacramento
November 8, 1943

SOCIAL WELFARE BOARD
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MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

WILFORD H. HOWARD
1815 REDWOOD HIGHWAY SOUTH
SANTA ROSA

BEN KOENIG
1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

DEPARTMENT BULLETIN NO. 69-H

TO: COUNTY WELFARE DIRECTORS

Subject: Revisions of Minimum Qualifications
in Specifications for Chief Clerk
and Chief Bookkeeper Clerk

Attached are the revised minimum qualifications of the specifications for Chief Clerk and Chief Bookkeeper Clerk, as approved by the State Social Welfare Board on October 28, 1943. These revisions can be inserted over the original specifications as they now appear in your copy of The Classification Plan for County Welfare Departments.

Very sincerely yours,

Charles M. Wollenberg

CHARLES M. WOLLENBERG, Director
Department of Social Welfare

Attachment

(Authority: Section 119.5, Welfare and Institutions Code)



CHIEF CLERK

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Four years of successful full-time paid experience within the last ten years in clerical work of which at least one year must have been in a supervisory capacity.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full-time paid experience in clerical work may be substituted for one year of high school. Maximum substitution allowable: two years of experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school may be substituted for one year of qualifying experience. Maximum substitution allowable: two years of the specified business training for two years of qualifying experience.

Approved by the Social Welfare Board on 10/28/43

CHIEF BOOKKEEPER CLERK

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Four years of successful full-time paid experience within the last ten years in responsible clerical work involving the keeping or reviewing of financial or statistical records.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full-time paid experience in responsible clerical work involving the keeping or reviewing of financial or statistical records may be substituted for one year of high school. Maximum substitution allowable: two years of experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school including at least six semester hours in accounting may be substituted for one year of qualifying experience. Maximum substitution allowable: two years of the specified business training for two years of qualifying experience.

Approved by the Social Welfare Board on 10/28/43

MAIN OFFICE
SACRAMENTO
616 K STREET

LOS ANGELES OFFICE
WASHINGTON BUILDING
311 SOUTH SPRING STREET

SAN FRANCISCO OFFICE
DAVID HEWES BUILDING
995 MARKET STREET

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES M. WOLLENBERG
DIRECTOR

Sacramento
November 8, 1943

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Very sincerely yours,

Charles M. Wollenberg

CHARLES M. WOLLENBERG, Director
Department of Social Welfare

Attachment

(Authority: Section 119.5, Welfare and Institutions Code)

FOR VICTORY



CHIEF CLERK

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Four years of successful full-time paid experience within the last ten years in clerical work of which at least one year must have been in a supervisory capacity.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full-time paid experience in clerical work may be substituted for one year of high school. Maximum substitution allowable: two years of experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school may be substituted for one year of qualifying experience. Maximum substitution allowable: two years of the specified business training for two years of qualifying experience.

Approved by the Social Welfare Board on 10/28/43

CHIEF BOOKKEEPER CLERK

Minimum Qualifications:

Education: Equivalent to that represented by completion of the twelfth grade.

AND

Experience: Four years of successful full-time paid experience within the last ten years in responsible clerical work involving the keeping or reviewing of financial or statistical records.

OR

Alternate Education and Experience Requirement:

- (1) Eight months of full-time paid experience in responsible clerical work involving the keeping or reviewing of financial or statistical records may be substituted for one year of high school. Maximum substitution allowable: two years of experience for three years of high school.
- (2) One year of successfully completed training, specializing in commercial subjects, in a recognized college or university or business school including at least six semester hours in accounting may be substituted for one year of qualifying experience. Maximum substitution allowable: two years of the specified business training for two years of qualifying experience.

Approved by the Social Welfare Board on 10/28/43

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Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES M. WOLLENBERG
DIRECTOR

Sacramento
December 2, 1943

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

SOCIAL WELFARE BOARD

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808 S. SAN RAFAEL AVENUE
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1680 NORTH VINE STREET
LOS ANGELES

IN REPLY PLEASE REFER
TO:

Dear Mr. Jordan:

Attached are three copies of regulations, currently effective, made by the State Department of Social Welfare.

These regulations are filed in accordance with Article 21 of Chapter 3 of Title 1 of Part 3 of the Political Code as amended by Chapter 628, Statutes of 1941.

Very sincerely yours,

Charles M. Wollenberg
CHARLES M. WOLLENBERG, Director
Department of Social Welfare

52:797
Encls.

1943 DEC 6 AM 11 30

MAIN OFFICE
SACRAMENTO
616 K STREET

EARL WARREN
GOVERNOR
STATE OF CALIFORNIA

SOCIAL WELFARE BOARD
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DIRECTOR

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ROUTE 1, BOX 55
LINDSAY

SAN FRANCISCO OFFICE
DAVID HEWES BLDG.
995 MARKET STREET

FILED
In the office of the Secretary of State
of the State of California

DEC 6-1943

FRANK M. JORDAN, Secretary of State

By *John Cuneo* Deputy Sacramento
November 9, 1943

1299

MRS. T. G. EMMONS
POST OFFICE BOX 12
SALINAS

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MANUAL LETTER NO. 44

The material you receive herewith is to be entered in your copy of the Manual of Policies and Procedures and the revision numbers cancelled on the separators for the revised chapters:

Real Property	Revisions 46 thru 52
Personal Property	Revisions 35 thru 41
	Table of Contents (reissued)
Relatives	Revisions 15 thru 18
Investigation and Decision	Revisions 10 and 11

These revisions were adopted by the SSWB on September 23, 1943 and become effective immediately. Most of them incorporate changes necessitated by 1943 amendments to the W. and I. Code. Your attention is directed to the following revisions based on Department policy:

The revision of Secs. 135-00 and 146-10 and the second revision in Sec. 135-25 set forth a new policy concerning partial support under a contract for life care. It is applicable in all aids.

The revision of Secs. 138-00 and 147-00 sets forth a new policy pertaining to repayment of aid when ineligibility results from excess property assets. It is already in effect in OAS under a 1943 amendment to the W. & I. Code and is now made applicable in ANB, APSB, and ANC.

The third revision in Sec. 234-00, concerning the return of a responsible relative's sworn statement, sets forth a new policy for ANB and APSB. It is already in effect in OAS under the provisions of the W. & I. Code.

The issuance of this material renders certain portions of Department Bulletin #211 obsolete, as follows:

Page 16 - last paragraph, the first sentence (beginning "Any house, trailer, boat . . .") is rendered obsolete by Sec. 130-25.

Page 21 - first paragraph, the second and third sentences, are rendered obsolete by Secs. 171-00 and 171-35.

Page 21 - that portion which relates to W. & I. C. Sec. 2181.01, with the exception of the first paragraph (beginning with "In the absence of . . ."), is rendered obsolete by Sec. 234-00.

Page 31 - the entire page, with the exception of the paragraph pertaining to W. & I. C. Sec. 2224, is rendered obsolete by Secs. 138-00 and 147-00.

The portions of Department Bulletin #211 which have been rendered obsolete by the issuance of this material should be so marked.

STATEMENTS CONTAINED IN THE MANUAL TAKE PRECEDENCE OVER
THE SAME MATERIAL PREVIOUSLY RELEASED IN BULLETINS

130-00 Sec. 130-00 Real Property, Provisions of the W. & I. Code

Old Age Security	Aid to Needy Blind Aid to Partially Self-Supporting Blind Residents	Aid to Needy Children
No aid shall be granted or paid to any person who owns real property, the assessed value of which as assessed by the county assessor, less encumbrances thereon of record, exceeds \$3000 at the time such person makes application for aid. (W. & I. C. 2164.)	Aid shall not be granted or received by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of \$3000. (W. & I. C. 3047 and 3447.)	No aid shall be granted or paid to any child who owns, or whose parent owns real property, the combined assessed value of which as assessed by the county assessor exceeds \$3000 at the time application for aid is made, or while in receipt of such aid. (W. & I. C. 1520.)
No aid shall be granted or paid to any married person, if the assessed value of the combined real property of the husband and wife, as assessed by the county assessor, less encumbrances thereon of record, exceeds \$3000 at the time such person makes application for aid. In computing the value of such property, ownership of property located in another state by a spouse not having a legal residence in California, with whom the applicant has not been living for at least five years preceding the application for aid, shall not preclude the applicant from receiving OAS unless it appears that the applicant has a present legal interest in such property. (W. & I. C. 2165 and 2165-A.)	An applicant's share of any estate, which share has not been distributed and of which he has no present economic use does not constitute property. (W. & I. C. 3047.5 and 3448.)	A child's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property. (W. & I. C. 1521.5.)
The interest of an applicant or recipient in an estate as heir, devisee, or legatee shall not be considered property of the applicant or recipient until it has been distributed to him and is available for expenditure or disposition by him; and the interest of a beneficiary of a trust shall not be considered to be property of the beneficiary until it has been made available for expenditure or disposition by him. (W. & I. C. 2163.1.)		
Estates for years, when used for the purpose of providing a place of residence for the owners thereof and when such estate is for a period of not less than ten years, shall be considered real property. (W. & I. C. 2163.5.)		
Any place of abode of an applicant or recipient, whether house, boat, trailer, or other habitation, shall be considered real property. (W. & I. C. 2163.7.)		
If, at any time during continuance of aid, the recipient or the spouse of the recipient becomes possessed of any property or income in excess of the amount allowed, the recipient shall immediately notify the board of supervisors of the receipt and possession of such property or income. The board may, on inquiry and with the approval of the SDSW, either cancel the aid or vary the amount thereof in accordance with circumstances. (W. & I. C. 2222.)		
A person who has received aid in good faith, honestly believing himself to be entitled thereto, but who is found to have possessed property in excess of the amount allowed under the provisions of this chapter, shall be considered to have been ineligible for aid only during the period for which the excess property, if it had been applied to his support at the rate of the aid granted to him, would have supported him. In such case the recipient shall repay only the aid he received during such period of ineligibility. (W. & I. C. 2223.5.)		

FOREWORD

In setting up requirements regarding real property, the legislature presumably kept in mind the advantages of home ownership, and hence, property ownership, e.g., the OAS law specifies that aid shall be provided in the applicant's own home or in some other suitable home in preference to an institution.

The ANC law likewise provides for keeping children "in their own homes whenever possible."

The ownership of real property has long been a symbol of stability, and security. Ownership tends to give the individual a "stake" in his country and enhance his feeling of responsibility as a citizen.

Closely allied to the ownership of land is the sentiment and emotion attached to the word "home." In an attempt to better themselves and their children the purchase of a home has been, for many American couples, a goal to be achieved.

When one realizes the sense of security derived by some people from property and especially home ownership, their tenacity in holding on to property, or in keeping it within the family, is understandable. The aged person often becomes attached to his home and resents any change. In a rapidly changing outside world his home represents the past and the life with which he is familiar. His home may represent his life itself, his work, health, religious, educational and recreational interests over a long period of time. Often the location of the home, in an area where his friends and acquaintances live, is as important as the house itself.

If a person has become blind while living in one home, he may be further handicapped by a move to other quarters. Habit has helped him carry on his activities in a familiar environment. In a new situation a long period of readjustment is necessary. Sometimes this is never fully achieved.

Children, too, derive a feeling of stability from familiar quarters and neighborhoods. Frequent changes may be unfortunate for their development as well as personally distressing.

In dealing with the problems related to real property which are discussed in the following sections, the aforementioned concepts should be borne in mind as a "backdrop."

130-05 Sec. 130-05 Real Property, OAS Law W&IC SECS. 2007, 2007.5, 2160G, 2163.1, 2163.5, 2163.7, 2164, 2165, 2165A, 2222, 2223, 2223.5, 2225
OAS

No aid shall be granted or paid to any person who owns real property the assessed value of which, as assessed by the county assessor, less encumbrances thereon of record, exceeds \$3000 at the time such person makes application for aid.

No aid shall be granted or paid to any married person, if the assessed value of the combined real property of the husband and wife as assessed by the county assessor, less encumbrances thereon of record, exceeds \$3000 at the time such person makes application for aid. In computing the value of such property, ownership of property located in another state by a spouse not having a legal residence in California, with whom the applicant has not been living for at least five years preceding the application for aid, shall not preclude the applicant from receiving OAS unless it appears that the applicant has a present legal interest in such property.

The interest of an applicant or recipient in an estate as heir, devisee, or legatee shall not be considered property of the applicant or recipient until it has been distributed to him and is available for expenditure or disposition by him; and the interest of a beneficiary of a trust shall not be considered to be property of the beneficiary until it has been made available for expenditure or disposition by him.

Estates for years, when used for the purpose of providing a place of residence for the owners thereof and when such estate is for a period of not less than ten years, shall be considered real property. Also, any place of abode of an applicant or recipient, whether house, boat, trailer, or other habitation, shall be considered real property.

If at any time during continuance of aid the recipient or the spouse of the recipient becomes possessed of any property or income in excess of the amount allowed, the recipient shall immediately notify the board of supervisors of the receipt and possession of such property or income. The board may, on inquiry and with the approval of the SDSW either cancel the aid or vary the amount thereof in accordance with circumstances. (See Sec. 138-00, Excess Assets in Real Property.)

Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor.

Any person who, knowing that the owner of the property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give fifteen days notice of the intention to make the transfer to the board of supervisors by serving upon the chairman of the board a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed. Failure to give such notice shall constitute a misdemeanor. (See Sec. 136-00, Notice of Intention to Aid in Transfer of Real Property.)

A person who has received aid in good faith, honestly believing himself to be entitled thereto, but who is found to have possessed property in excess of the amount allowed under the provisions of this chapter, shall be considered to have been ineligible for aid only during the period for which the excess property, if it had been applied to his support at the rate of the aid granted to him, would have supported him. In such case the recipient shall repay only the aid he received during such period of ineligibility.

Aid shall be granted to any person, otherwise eligible, who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid. (See Sec. 135-00, Transfer of Real Property to Qualify for Aid.)

No person shall be denied any aid under this chapter for any transfer of his property which transfer does not deprive him of the present use, enjoyment or income thereof and does not render him ineligible under maximum property limitations.

If, on the death of a recipient of OAS, it is found that he was possessed of property or income in excess of the amount allowed by law and that he has not disclosed the same to the board of supervisors, double the amount of aid paid him in excess of that to which he was legally entitled may be recovered by the SDSW as a preferred claim from his estate. (See Sec. 138-10, Excess Assets in Real Property Discovered at Death.)

Aid granted under OAS Law shall not constitute a lien upon any property of the recipient. (See Sec. 139-00, Liens on Real Property.)

Sec. 130-00 Real Property, Provisions of the W. & I. Code (Continued)

130-00

Old Age Security	Aid to Needy Blind Aid to Partially Self-Supporting Blind Residents	Aid to Needy Children
Aid shall be granted to any person, otherwise eligible, who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid. (W. & I. C. 2160-g.)		
No person shall be denied any aid under this chapter for any transfer of his property which transfer does not deprive him of the present use, enjoyment or income thereof and does not render him ineligible under maximum property limitations. (W. & I. C. 2007.5.)		
Aid granted under OAS Law shall not constitute a lien upon any property of the recipient. (W. & I. C. 2225.)		
Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor.		
Any person who, knowing that the owner of the property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give fifteen days notice of the intention to make the transfer, to the board of supervisors by serving upon the chairman of the board a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed. Failure to give such notice shall constitute a misdemeanor. (W. & I. C. 2007.)		
If, on the death of a recipient of OAS, it is found that he was possessed of property or income in excess of the amount allowed by law and that he has not disclosed the same to the board of supervisors, double the amount of aid paid him in excess of that to which he was legally entitled may be recovered by the SDSW as a preferred claim from his estate. (W. & I. C. 2223.)		

131-06 Sec. 131-06 Ownership of Real Property by Indians 24 STAT. L. 388; 26 STAT. L. 799; 36 STAT. L. 855;
OAS; ANB; APSB; ANC 37 STAT. L. 678; H&IC. SECS. 1520, 2165, 3047, 3447, 2164

In considering land occupied by Indians, special care must be exercised to determine ownership of the land. The ward Indian has only an equitable interest in lands held in trust by the United States Government for him. Since title is held by the Federal Government, the property is not subject to assessment or taxation. The value of such property shall not be taken into consideration in determining the eligibility of the Indian for aid. An Indian may live on the reservation and still own land, not a part of the reservation, in his own right. All such real property shall be considered in determining eligibility.

131-07 Sec. 131-07 Definition of Combined Real Property H&IC SECS. 103.5, 2141, 2165, 2165A, 2164

OAS

Combined real property includes:

1. Community property;
2. Separate property of either spouse (for exception see Sec. 131-20, Ownership of Real Property Outside State by Separated Spouse);
3. Any combination of the above.

131-10 Sec. 131-10 Ownership of Separate and Community Real Property H&IC SECS. 103.5, 1520, 1560, 2141, 2165,
OAS; ANC 2165A

The OAS Law does not require differentiation of separate and community real property as all real property owned by either husband or wife, or both, is considered. (For exception see Sec. 131-20, Ownership of Real Property Outside State by Separated Spouse.) If there is income from property, the fact that it is separate or community property shall be ascertained.

The ANC Law does not require differentiation of separate and community property as combined real property of the parent or parents and child or children is considered. However, such differentiation may be necessary when one spouse is a parent and the other a step-parent of child for whom aid is granted, as the step-parent's share of community property or his separate property is not considered in determining eligibility of the child.

131-12 Sec. 131-12 Ownership of Separate and Community Real Property CIV. CODE SECS. 161A, 162, 163, 164, 687,
ANB; APSB H&IC SECS. 103.6, 3047, 3075, 3447, 3460

Determination of the status of all real property as separate or community is necessary in ANB and APSB. Only the separate property of applicant and his share of community property is considered in determining eligibility. All property which an applicant and his spouse hold is presumed to be community property unless applicant can give satisfactory evidence to the contrary.

Responsibility rests with applicant to present proof or supply information which will enable the county to determine the status of property. The fact that property is assessed or recorded in one name only does not necessarily indicate that the property is separate property.

Where community property is involved in ANB or APSB, the interest of each spouse is considered as half the county assessed value of the property.

131-15 Sec. 131-15 Ownership of Combined and Community Real Property CIV. CODE SECS. 90, 132; C. CIV. PROC. SEC. 473,
OAS; ANB; APSB; ANC H&IC SECS. 103.5, 103.6, 1520, 1560, 2141,
2165, 3047, 3075, 3447, 3460

The county assessed value of the property holdings of a separated spouse shall be verified. Even though a husband and wife may have been living separate and apart, in the absence of a final decree of divorce the status of their community property or, in OAS and ANC, combined community and separate property is unchanged and county assessed valuation of all property remains a consideration in determining eligibility according to the respective category of aid. If a legal property settlement has been made but no actual divorce has occurred, the terms of the property settlement determine the status of the property. In OAS and ANC, such property is still considered as part of the combined (community and separate) real property of a couple. (For exception to above in OAS, see Sec. 131-20, Ownership of Real Property Outside State by Separated Spouse.)

Sec. 130-10 Real Property, ANB and APSB Laws W&IC SECS. 3047, 3047.5, 3447, 3448

130-10

ANB; APSB

Aid shall not be received by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances of record, is in excess of \$3000.

An applicant's share of any estate, which share has not been distributed and of which he has no present economic use does not constitute property.

Sec. 130-15 Real Property, ANC Law

W&IC SECS. 1520, 1521.5

130-15

ANC

No aid shall be granted or paid to any child who owns, or whose parent owns, real property the combined assessed value of which, as assessed by the county assessor, exceeds \$3000 at the time application for aid is made, or while in receipt of such aid.

A child's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property.

Sec. 130-25 Real Property vs. Personal Property W&IC SECS. 2163.7, CIVIL CODE SEC. 657

130-25

OAS; ANB; APSB; ANC

In considering eligibility from the point of view of property, the county must first determine whether property is real or personal. The general distinction has been made that real property is immovable while personal property is movable. For purposes of OAS, however, any place of abode of an applicant or recipient, whether house, boat, trailer, or other habitation, shall be considered real property.

Sec. 131-00 Determination of Ownership of Real Property

CIVIL CODE SECS. 678-687, INC. W&IC. SECS. 103.5, 103.6, 1520, 1560, 2141, 2165, 3047, 3075, 3447, 3460, 2140, 2164

131-00

OAS; ANB; APSB; ANC

Ownership of real property must be verified in order to establish that property holdings are within the limitations established in the code for the particular category of aid.

Ownership of property is revealed by a search of current property rolls. (See Sec. 135-40, Real Property Search.) There will be occasions in which search of property rolls will indicate ownership of property which does not belong to the applicant. In absence of conflicting information, affidavit of applicant stating that he is not the owner of property in question is acceptable. Proof that he is not the owner is necessary in cases of conflicting information. The affidavit of an applicant regarding recent disposal of property is not in itself proof of eligibility. It is subject to verification.

Sec. 131-05 Ownership of Real Property W&IC SECS. 103.5, 103.6, 1520, 1560, 2141, 2163.5, 2165, 3047, 3075, 3447, 3460, 2140, 2164

131-05

OAS; ANB; APSB; ANC

The term "owner" includes all persons who hold legal title to property. It also includes the vendor (i.e., the seller) and the vendee (i.e., the buyer) of real property under a contract of sale.

Property is considered owned if it is held:

1. Clear of all indebtedness;
2. Subject to mortgage, deed of trust, etc.
3. Subject to sale to another party under contract of sale;
4. Subject to purchase from another party under contract of sale;
5. As a homestead;
6. In a life estate contract;
7. In an undistributed estate provided the property is in fact available prior to distribution;
8. In OAS, under lease for a period of not less than ten years and used for a place of residence of the lessee.

Real property may be owned:

1. As separate property;
2. As community property;
3. In joint tenancy;
4. In tenancy in common;
5. In a partnership;
6. By a corporation.

135-15 Sec. 135-15 Transfer of Separate Real Property of Spouse W&IC SECS. 103, 103.5, 2141, 2160G, 2164, 2165, 2165A
OAS

An applicant may be ineligible if a voluntary assignment or transfer of real property has been made by his spouse for the purpose of qualifying the applicant for aid. Such an assignment is subject to the same presumption of innocence of intent as is applicable to transfers made prior to the beginning date of the required property search and to transfers of property of a value less than the maximum set by law. (See Sec. 135-00, Transfer of Real Property to Qualify for Aid.)

When a separated couple have entered into a property agreement more than two years prior to application for aid, transfer of separate real property by the ineligible spouse without consideration does not disqualify the applicant unless there is evidence of collusion for the purpose of qualifying the applicant for aid.

Real property owned by a separated spouse which is exempt from consideration in determining the applicant's eligibility may be transferred at will by the spouse without affecting the applicant's eligibility for aid. (See Sec. 131-20, Real Property Owned Outside State by Separated Spouse.)

135-20 Sec. 135-20 Transfer of Separate Real Property of Spouse W&IC SECS. 103.6, 3047, 3075, 3447, 3460
ANB; APSB

Since the assessed value of combined real property is not a factor in eligibility under the ANB and APSB laws, an applicant or recipient may join the spouse in transfer of the latter's separate property without disqualifying himself for aid.

135-25 Sec. 135-25 Duration of Ineligibility Due to Transfer of Property to Qualify for Aid W&IC. SECS. 103, 103.5, 103.6, 1560, 2007.5, 2141, 2160G, 1520, 2222, 3047, 3075, 3460
OAS; ANB; APSB; ANC

When an applicant in OAS, ANB, or APSB, or a child in ANC, is disqualified because of transfer of property with intent to qualify for aid as set forth in Sec. 135-00, Transfer of Real Property to Qualify for Aid, the duration of future ineligibility shall be governed by the following general statement of policy.

The applicant in OAS, ANB or APSB, or child in ANC, becomes ineligible for a period of time following transfer of property for the purpose of qualifying for aid. In determining the period of ineligibility following such a transfer the value of property which an eligible recipient is permitted to own is disregarded. The duration of future ineligibility is based upon the period that a reasonable return for the grantor's equity in the property had it been sold, together with other income, would have supported the grantor and those dependent upon him. The period should be based on a monthly rate of expenditure beginning with \$94 in the case of a single person without dependents and \$144 in the case of a married person, living with a spouse, without other dependents. The rate of expenditure for a married person with dependents shall be the same as the amount set forth for a married person living with a spouse, plus \$20 for each additional dependent.

Should the property be reconveyed to the grantor, or should a life estate interest in it be conveyed to him and recorded, or should he receive reasonably adequate consideration for it subsequent to its transfer, the condition which caused ineligibility would no longer exist. Aid shall be granted upon such a determination, provided eligibility otherwise exists.

When the facts demonstrate a desire and effort of the grantor to recover the property, but none of the foregoing adjustments are possible, either because the transferred property has been sold in a bona fide sale to a third party or the equity in it cannot be recovered, the duration of ineligibility shall not be held to exceed one year from the date of the transfer.

Unless there is evidence that the contract is not enforceable, a transfer of real property, subject to the condition that the donee will provide full support for the donor for the remainder of his life, renders the donor ineligible as he has entered into a contract for life care. When an enforceable contract of this nature provides for less than full support, the amount provided shall be considered income.

Sec. 135-00 Transfer of Real Property to Qualify for Aid W&IC SECS. 103, 103.5, 103.6, 1520, 2141, 135-00
OAS; ANB; APSB; ANC 1560, 2164, 2165, 3047, 3075, 3447, 3460, 2160G, 2007.5

No person is eligible for aid if a voluntary transfer or assignment of real property has been made for the purpose of qualifying for aid. If title passed by delivery of the deed prior to the beginning date of the required property search period, it is the presumption, which may be refuted, that the transfer of title was made in good faith and not for the purpose of qualifying for aid. (See Secs. 135-40, Real Property Search, and 135-60, Investigation Required of Transfer of Property.)

A transfer or assignment of real property of a value greater than the maximum set by law, or which reduces the amount of the property holdings to an amount within the maximum, is deemed to render the applicant ineligible unless there is an affirmative showing that the transfer or assignment was not made for the purpose of qualifying for aid. There is the presumption that such a transfer was made for the purpose of qualifying for aid, which presumption may be refuted only by factual evidence of intent which establishes beyond a reasonable doubt that the transfer or assignment was not in fact made for the purpose of qualifying for aid. (See Sec. 135-70, Determination of Reason for Voluntary Transfer of Property.)

A transfer or assignment of real property of a value less than the maximum set by law, or which does not reduce the property holdings to an amount within the maximum, shall not render a person ineligible unless there is an affirmative showing that the transfer or assignment was made for the purpose of qualifying for aid. There is the presumption that such a transfer was not made for the purpose of qualifying for aid, which presumption may be refuted only by factual evidence of intent, which establishes beyond a reasonable doubt that the transfer was in fact made for the purpose of qualifying for aid.

A transfer or assignment of income producing real property shall be deemed to render a person ineligible for aid if the net income from such property exceeds the maximum grant provided by law, unless there is an affirmative showing that the transfer or assignment of such income property was not intended by the grantor to qualify him for a greater amount of aid than that to which he would otherwise be entitled.

A transfer or assignment of income producing real property of a value less than the maximum set by law shall not render a person ineligible for aid, provided the net income from such property does not exceed the maximum grant provided by the law, unless there is an affirmative showing that the transfer or assignment of such income property was intended by the grantor to qualify him for a greater amount of aid than that to which he would otherwise be entitled.

In arriving at the net income from property which is transferred or assigned the following shall be taken into consideration:

- Interest payments
- Taxes
- Assessments
- Insurance
- Upkeep
- All other necessary charges and expenses of every kind

It is the responsibility of the applicant, in so far as he is able, to give information to assist the county in determining whether a transfer of property of a value greater than the maximum set by law or a transfer which reduced the value of remaining property within the maximum was for the purpose of qualifying for aid.

Transfers which have not heretofore come to attention but which are revealed through reinvestigation or otherwise and which occurred in the past, should be evaluated in accordance with this policy. Thus this policy revision may be retroactive in its application.

Unless there is evidence that the contract is not enforceable, a transfer of real property, subject to the condition that the donee will provide full support for the donor for the remainder of his life, renders the donor ineligible as he has entered into a contract for life care. When an enforceable contract of this nature provides for less than full support, the amount provided shall be considered income.

135-72 **Sec. 135-72 Transfer of Real Property for Fair Consideration** W&IC SECS. 103.5, 103.6, 1560, 2141, 2007.5, 2160G, 3075, 3460, 2222
OAS; ANB; APSB; ANC

A transfer of real property which results from a sale in which the grantor receives a reasonably adequate sum of money and/or securities in return for his equity in the property does not result in ineligibility from the point of view of transfer of property. (See Sec. 146-00, Conversion of Property.) Likewise a transfer made to satisfy an existing debt or obligation in an amount which represents a reasonably adequate consideration for the grantor's equity does not result in ineligibility. (See Sec. 135-85, Transfer of Real Property to Satisfy Debt.)

A fair consideration does not necessarily imply full reimbursement for all funds expended on the property transferred. Changing property values often result in receipt of less than the investment. A reasonable estimate of the equity may be obtained by deducting the amount of indebtedness against the property from the current market value. Persons who know local real estate values, such as local bankers or licensed real estate brokers, may be consulted for such an estimate.

135-75 **Sec. 135-75 Transfer of Real Property When Foreclosure Imminent** W&IC SECS. 103.5, 103.6, 1560, 2141, 2160G, 3075, 3460
OAS; ANB; APSB; ANC

Transfer or assignment of real property when foreclosure is threatened, or when it is clear that such property cannot be retained, is not held to be for the purpose of qualifying for aid, unless there is evidence of collusion. If notice of foreclosure has been given, the giving of a quitclaim deed to the mortgagor would not necessarily be a disqualifying factor. This applies regardless of the value of the property.

When there is evidence that a grantor was unable to refinance the property due to the necessity for payment of a substantial sum on the principal or because of his advancing years and diminishing ability to repay, the transfer may be held to involve property in which foreclosure was imminent.

When property of a value greater than the maximum set by law is transferred because of imminence of foreclosure, the possibility of the grantor receiving cash or its equivalent such as free rent in return for any equity he may have had in the property shall be explored. This applies also when a transfer has reduced the value of the remaining property within the maximum set by law.

135-80 **Sec. 135-80 Transfer of Real Property with Reservation of Life Estate Interest** W&IC SECS. 103.5, 103.6, 1560, 2007.5, 2141, 3075, 2140, 3460
OAS; ANB; APSB; ANC

The transfer of title to real property with reservation of the full privileges and responsibilities of life estate is not interpreted as a voluntary assignment or transfer of property for the purpose of qualifying for aid. (See Glossary re responsibility and privileges of life tenants, and Secs. 131-15, Ownership of Combined and Community Real Property, and 132-50, Life Estate.)

It is the presumption, which may be refuted, that a life estate agreement drawn more than two years prior to the application for aid stipulating that the remainderman shall be responsible for the payment of taxes, or for encumbrances which were not placed upon the property by him, was not made for the purpose of qualifying the recipient for a greater amount of aid than that to which he would otherwise be eligible. When it is established that the property was encumbered by the remainderman, either before or after the execution of the agreement creating the life estate and the agreement stipulates that the remainderman is responsible for payment of such encumbrance, payment made by the remainderman on such encumbrance does not represent income to the recipient.

There must be written evidence of life estate. Such evidence may appear in the body of the deed which is executed and delivered to the remainderman or may be evidenced by a separate written agreement between the parties, wherein the remainderman conveys a life estate to another and retains the remainder for himself. In order for the evidence to be complete and acceptable, such an agreement must be recorded.

Sec. 135-70 Determination of Reason for Voluntary Transfer of Property W&IC SECS. 103.5, 103.6, 135-70
OAS; ANB; APSB; ANC 1520, 1560, 2140, 2141, 2160a, 2164, 2165, 3047, 3075, 3447, 3460

Since transfer of property to qualify for aid involves the determination of intent, it is difficult to formulate rules and regulations applicable in all cases. Decision on eligibility in cases where a transfer of property has occurred may be more difficult than when other more objective factors of eligibility are considered.

The acts of the grantor and/or the facts and circumstances surrounding (1) a transfer of property of a value greater than the maximum set by law, or (2) a transfer which reduced the value of the remaining property within the maximum set by law shall be examined and weighed. If they support the grantor's statement that there was no intent to qualify for aid and the desired objective of the grantor could not have been realized without depriving himself of the use, enjoyment, and income from the property, aid shall be approved if other eligibility requirements are met. Otherwise, aid shall be denied.

Among the factors to be taken into consideration when the value of the property transferred is greater than the maximum set by law, or the transfer reduced the value of the remaining property within the maximum set by law are:

1. Date of the transfer;
2. Consideration received (See Sec. 135-72, Transfer of Real Property for Fair Consideration);
3. Value of the property, including the amount of any mortgage, delinquent taxes, or other assessments and encumbrances which affect the value of grantor's equity;
4. Reason for the transfer;
5. Amount of income derived from the property;
6. Physical ability of the grantor to continue the operation that produced the income; efforts toward lease or sale of property in the event of inability to continue its operation;
7. Person in receipt of the income prior and subsequent to the transfer;
8. Threat of foreclosure, if any;
9. Ability of grantor to meet mortgage or assessment payments.

Example A: The transfer of property of a value greater than the maximum set by law, without consideration, involved farm or other income-producing property and was said to have been made because of grantor's inability to operate the property due to advanced years or physical impairment. Upon a showing that a reasonable effort to sell the property has been unsuccessful, that the property could not be leased, or other arrangements to give the grantor the use, enjoyment, and benefits of the resource or its equivalent were not feasible, the transfer is determined not to have been made for the purpose of qualifying for aid or for a greater amount of aid.

Example B: The transfer of property which reduced the value of the remaining property within the maximum set by law involved property in which there was no immediate danger of foreclosure but there was inability on the part of the grantor to meet current taxes, assessments, or upkeep expenses which, if permitted to become delinquent, would jeopardize the grantor's equity. Upon a showing that a reasonable effort to sell all or a portion of the property had been unsuccessful, or that adequate income to meet the current cost of taxes, assessments, upkeep, etc., could not be realized from it and that no arrangement to give the grantor the equivalent of the value of occupancy was feasible, the transfer is not considered as having been made for the purpose of qualifying for aid.

Sec. 135-85 Transfer of Real Property to Satisfy Debt W&IC SECS. 103.5, 103.6, 1560, 2160, 2140, 135-85
OAS; ANB; APSB; ANC 2141, 3075, 3460; CIV. CODE SECS. 197, 206, 210, 211, 196, 196A, 200

When satisfaction of a debt is given as the reason for a transfer of property of a value greater than the maximum set by law, existence of the obligation and its amount shall be verified. This applies also when as a result of a transfer the value of the remaining property is within the maximum set by law. Eligibility is not impaired if there was an existing bona fide debt in an amount which represented a reasonably adequate consideration for the grantor's equity in the property. Evidence which may be considered in proving the existence of an obligation includes promissory notes, receipted bills, records of payments on account or bank books, affidavits of creditors or other responsible persons, etc.

Due to the mutual obligation existing between parent and child, support given by one to the other is not held to represent a valid debt unless there is evidence that the child became indebted in order to render the assistance or that the assistance given otherwise resulted in undue hardship on him or his immediate family.

Complete information shall be secured regarding any loan from a legally responsible relative for which transfer of property was intended as repayment when the property involved is pertinent to eligibility status. The following questions suggest the type of information to be secured when investigating such a transfer of property to a relative in satisfaction of a past obligation:

1. Had the responsible relative reached his majority at the time the purported loan was made? (If the relative was a minor, there is the possibility that his earnings and services were legally the property of his parent.)
2. Were the resources of the responsible relative when the purported loan was made such that he might reasonably have advanced the sum in question?
3. If the child himself became indebted in order to negotiate the loan, is there evidence to establish this fact?
4. Was the debt declared during the investigation of the application for aid?
5. Are there other persons having intimate knowledge of the transaction who will make affidavit thereto including the facts on which their knowledge is based?
6. Are there receipted bills, cancelled checks, letters, etc., supporting the statement that the obligation exists?

The foregoing questions are not intended to be all inclusive as the investigation to be made will be governed by the circumstances in the specific case. They are merely designed to exemplify the type of information which should be evaluated when considering the validity of the debt to a responsible relative.

Transfer of title to property of a value greater than the maximum set by law because of the grantor's belief that an obligation exists, either to a relative or a friend, for past service or assistance rendered, there being no recognition or evidence of a bona fide debt results in ineligibility. This applies also when a transfer reduces the value of the remaining property within the maximum set by law.

Sec. 135-90 Discovery After Aid Granted of Transfer of Real Property W&IC SECS. 1506, 2222, 3006, 135-90
OAS; ANB; APSB; ANC 3405

Sometimes a transfer of property is discovered which was not declared either at the time of application or later and which was not found during the original investigation. Eligibility shall be redetermined in the light of the new information. Any excess aid received is considered as a debt to the State and county, and is subject to recovery from assets the recipient may have other than the grant of aid. Action may be brought to secure restitution.

Sec. 136-00 Notice of Intention to Aid in Transfer of Real Property W&IC SECS. 2007
OAS

136-00

Any person, who, knowing that the owner of the property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give 15 days' notice of the intention to make the transfer, to the board of supervisors by serving upon the chairman of the board a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed. Failure to give such notice constitutes a misdemeanor.

Sec. 136-10 Recipients' Responsibility in Transferring Property W&IC SECS. 103.5, 103.6, 1560, 2141, 136-10
OAS; ANB; APSB; ANC 2222, 3075, 3460

It is the responsibility of recipients of OAS, ANB, APSB, and ANC to keep the county informed regarding all changes in their financial situation. It is expected that any contemplated disposal or acquisition of property will be brought to the attention of the county at once. The county is then in a position to determine the effect, if any, of the transfer upon eligibility for continued aid.

138-00 Sec. 138-00 Excess Assets in Real Property W&IC SECS. 103.5, 103.6, 1560, 1520, 1506, 2141, 2222, 2164, 2165, 2165A, OAS; ANB; APSB; ANC
 3006, 3047, 3075, 3405, 3447, 3460, 2223.5

If at any time a recipient in OAS, ANB, or APSB, or child or children and/or parent or parents in ANC, becomes possessed of real property in excess of the amount allowed for the particular category of aid, the recipient is responsible for notifying the county immediately. The county shall redetermine eligibility on the basis of present holdings.

If investigation shows past ineligibility, effort shall be made to secure repayment of any aid received during a period of ineligibility. However, in the absence of fraud or concealment of assets upon the part of the recipient who has received aid to which he was not entitled, the right exists to obtain repayment of aid only to the extent of the largest amount by which his real property exceeded the maximum for the particular category of aid during the period of ineligibility, but in no event shall repayment be in an amount greater than the aid which he received while possessed of such excess property. (See Sec. 672-25, Reporting of Adjustments.)

138-10 Sec. 138-10 Excess Assets in Real Property Discovered at Death W&IC SECS. 2223; PROBATE CODE SEC. 700 OAS

If upon the death of a recipient of aid, it is found that he had property or income, in excess of that allowed, which had not been disclosed to the county, double the amount of excess aid paid him may be recovered by the SDSW.

When this situation arises, the county shall at once send a full report to the SDSW who in turn shall initiate the proper action for double recovery from the estate.

Excess assets may be discovered through reports from private individuals, a search of probate records, or county officials such as the public administrator, auditor, district attorney, etc.

If recovery of excess aid is to be made, claims against an estate must be filed within six months of date of publication of notice to creditors.

139-00 Sec. 139-00 Liens on Real Property W&IC SECS. 103.5, 103.6, 1560, 2141, 2225, 3075, 3460 OAS; ANB; APSB; ANC

Aid granted under the provisions of the OAS, ANB, APSB or ANC Laws shall not constitute a lien upon any property. In ANC this also applies to aid granted under the act in excess of \$22.50 per child.

When a lien, deed or mortgage is taken to secure GR reimbursement, it shall be so worded as to obtain satisfaction for GR alone.

139-15 Sec. 139-15 Liens and Quiet Title Actions W&IC SECS. 2227, 2228, 2230 OAS

In any case in which the board of supervisors or the SDSW has authorized or has purported to authorize the release of any lien created, or to convey any title acquired under provisions of Chapter 530, of the Statutes of 1929, and in any case in which a mortgage, deed of trust or other lien upon the property affected thereby, has been foreclosed, any person interested in the property which was or might have been affected by said lien, may bring an action against the county and State of California to have determined the validity of any such release and to quiet title against the county and the State. The county and the State of California may be named as parties defendant in any action brought to foreclose any mortgage, deed of trust, or other lien existing upon the property affected by any such lien and in any action affecting the title to said property and the county and the State shall be bound by a judgment rendered in such action in the same manner as other lien claimants and defendants. In any action authorized by section 2230 of the W. & I. Code, service of process shall be made upon the chairman of the board of supervisors for the county and upon the Director of the SDSW for the State.

REVISION RECORD

Revisions issued in changing this chapter will be numbered in sequence. Changes made will be indicated by a vertical line in the margin of the corrected page, against the line or lines changed.

IT IS IMPORTANT that the holder of this Manual check the numbers below, corresponding with the numbers of the revisions when the latter have been incorporated in the Manual and the old pages removed, and that the State Department of Social Welfare be promptly notified in the event a number is passed without receipt of the corresponding numbered sheet.

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Old Age Security	Aid to Needy Blind Aid to Partially Self- Supporting Blind Residents	Aid to Needy Children
<p>Any place of abode of an applicant or recipient, whether house, boat, trailer, or other habitation, shall be considered real property. (W. & I. C. 2163.7.)</p>		
<p>Aid granted shall not constitute a lien upon any property of the recipient. (W. & I. C. 2225.)</p>		
<p>Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor, and any person who, knowing that the owner of the property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give 15 days notice of the intention to make the transfer, to the board of supervisors by serving upon the chairman of the board a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed, and failure to give such notice shall constitute a misdemeanor. (W. & I. C. 2007.)</p>		
<p>No person shall be denied any aid for any transfer of his property which transfer does not deprive him of the present use, enjoyment or income thereof and does not render him ineligible under maximum property limitations. (W. & I. C. 2007.5.)</p>		

Sec. 140-00 Provisions of the W. & I. Code Regarding Personal Property

140-00

Old Age Security	Aid to Needy Blind Aid to Partially Self-Supporting Blind Residents	Aid to Needy Children
No aid shall be granted or paid to any person who owns personal property, the value of which, less all encumbrances of record, exceeds \$600.	Aid shall not be received by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of \$3,000.	No aid shall be granted or paid for any orphan child who has cash or securities, the total value of which exceeds \$250, nor for any child or children in one family who have, or whose parents have, or the child or children and parents have, cash or securities the combined value of which exceeds \$500. (W. & I. C. 1521.)
The term personal property shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application if the value of the policy or policies at maturity is in an amount not exceeding \$1,000. No insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient. (W. & I. C. 2163.)	The term personal property shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding \$1,000. (W. & I. C. 3047 and 3447.)	A child's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property. (W. & I. C. 1521.5.)
The interest of an applicant or recipient in an estate as heir, devisee, or legatee shall not be considered property of the applicant or recipient until it has been distributed to him and is available for expenditure or disposition by him; and the interest of a beneficiary of a trust shall not be considered to be property of the beneficiary until it has been made available for expenditure or disposition by him. (W. & I. C. 2163.1.)	An applicant's share of any estate, which share has not been distributed and of which he has no present economic use does not constitute property. (W. & I. C. 3047.5 and 3448.)	
The term personal property shall not include personal effects of the applicant or recipient. Personal effects include clothing, furniture, household equipment, foodstuffs, and fuel, but do not include jewelry and items of similar character. (W. & I. C. 2163.2.)		
Aid shall be granted to any applicant, otherwise eligible, who has not made any voluntary assignment or transfer of property for the purpose of qualifying for aid. (W. & I. C. 2160-g.)		
Estates for years, when used for the purpose of providing a place of residence for the owners thereof and when such estate is for a period of not less than 10 years, shall be considered real property. (W. & I. C. 2163.5.)		

**140-10 Sec. 140-10 Personal Property, ANB and APSB Laws W&IC SECS. 3047, 3047.5, 3447, 3448
ANB; APSB**

Aid shall not be received by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record is in excess of \$3,000.

The term "personal property" shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding \$1,000.

An applicant's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property.

(See Sec. 142-05, Limitations on Personal Property.)

**140-15 Sec. 140-15 Personal Property, ANC Law W&IC SECS. 1521, 1521.5
ANC**

No aid shall be granted or paid for any orphan child who has cash or securities the total value of which exceeds \$250, nor for any child or children in one family who have or whose parents have or the child or children and parents have, cash or securities the combined value of which exceeds \$500.

A child's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property.

(See Sec. 142-10, Limitations on Personal Property.)

Sec. 140-05 Personal Property, OAS Law W&IC SECS. 2160G, 2163, 2163.1, 2163.2, 2163.5,
OAS

140-05

No aid shall be granted or paid to any person who owns personal property, the value of which, less all encumbrances of record, exceeds \$600.

The term "personal property" shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application if the value of the policy or policies at maturity is in an amount not exceeding \$1,000. No insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

The term "personal property" shall not include personal effects of the applicant. Personal effects include clothing, furniture, household equipment, foodstuffs, and fuel, but do not include jewelry and items of similar character.

The interest of an applicant or recipient in an estate as heir, devisee, or legatee, shall not be considered property of the applicant or recipient until it has been distributed to him and is available for expenditure or disposition by him. Neither shall the interest of a beneficiary of a trust be considered property of the beneficiary until it has been made available for expenditure or disposition.

Aid shall be granted to any applicant, otherwise eligible, who has not made any voluntary assignment or transfer of property for the purpose of qualifying for aid.

No person shall be denied any aid for any transfer of his property which transfer does not deprive him of the present use, enjoyment or income thereof and does not render him ineligible under maximum property limitations.

Estates for years, when used for the purpose of providing a place of residence for the owners thereof and when such estate is for a period of not less than 10 years, shall be considered real property.

Also, any place of abode of an applicant or recipient, whether house, boat, trailer, or other habitation, shall be considered real property.

Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor.

Any person who, knowing that the owner of property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give 15 days notice of the intention to make the transfer, to the board of supervisors by serving upon the chairman of the board a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed. Failure to give such notice shall constitute a misdemeanor.

Aid granted shall not constitute a lien upon any property of the recipient.

(See Sec. 142-00, Limitations on Personal Property.)

144-15 Sec. 144-15 Determination of Value of Frozen Assets W&IC SECS. 103, 103.5, 103.6, 1560, 2140, 2141, 3075,
OAS; ANB; APSB; ANC 3460

Frozen assets are those which have become unavailable to the owner through no voluntary act on his part and which can not be obtained by any voluntary act on his part. An interest as evidenced by deposits, certificates of ownership, etc., in defunct banks, building and loan associations, or other organizations may be frozen in so far as obtaining funds from the particular bank, or other institution is concerned, but the interest may be saleable at a discount. Such saleable value represents personal property to be considered in determining eligibility for the particular category of aid.

144-20 Sec. 144-20 Determination of Value Other Types of Personal Property W&IC SEC. 2163.2

OAS

In addition to the types of personal property discussed in previous sections, and excluding personal effects aside from those used for commercial purposes or profit, other miscellaneous types of personal property may be encountered. The current market value of such property, i.e., the amount that could be realized upon quick sale, is the basis for determining the value.

145-00 Sec. 145-00 Personal Property Acquired by Purchase W&IC SECS. 2140, 2141, 2163, 3047, 3075, 3447, 3460

OAS; ANB; APSB

Personal property may be purchased without affecting eligibility for aid provided the value of such personal property, together with other personal property holdings, does not exceed the limitations provided in the law for the respective category of aid.

If a recipient or spouse purchases personal property, the terms of the purchase and plan of payment should be ascertained. If it does not appear that the payments can be met out of the known resources and the grant, the possibility of unknown assets or income should be explored.

145-05 Sec. 145-05 Personal Property Acquired by Gift CIVIL CODE SECS. 162, 163

OAS; ANB; APSB; ANC

The value of personal property acquired by gift shall be considered in determining eligibility in accordance with the provisions of the respective category of aid. A gift is the separate property of the person receiving it.

Sec. 144-08 Determination of Value of Trust Funds W&IC SECS. 103, 103.5, 103.6, 1560, 2140, 2141, 144-08
OAS; ANB; APSB; ANC 3075, 3460

When an applicant or recipient does not have control of all or part of a trust, of which he is the beneficiary, the current market value of the trust or that portion not under his control (less encumbrances of record in ANB and APSB) shall not be considered in determining personal property holdings of the applicant or recipient.

When ownership of the trust is dependent upon the occurrence of a certain event, such as the applicant or recipient attaining the age of 21 years, such trust is not considered the property of the applicant or recipient until the stipulated event occurs.

Sec. 144-10. Determination of Personal Property Value of Undistributed Estates W&IC SECS. 103, 144-10
OAS; ANB; APSB; ANC 103.5, 103.6, 1560, 2140, 2141, 3075, 3460

Personal property in an undistributed estate is considered the personal property of the applicant or recipient when (1) the property is in fact personal property, and (2) the property is available to the applicant or recipient prior to distribution of the estate. The value of such personal property holdings shall be considered in determining eligibility according to the provisions of the respective category of aid.

In determining the value of the inheritance, if any, which is available before distribution consideration should be given to known indebtedness and to an estimate of the administrative costs exclusive of inheritance taxes. This estimate of administrative expense (exclusive of inheritance tax) may be deducted from the appraised value as filed with the probate court in determining the net amount of personal property available prior to distribution.

When two or more heirs have an undivided interest in an undistributed estate which is in fact available prior to distribution, each is considered to have an interest in proportion to the number of known heirs. (See Secs. 132-52, Undistributed Estates and 145-10, Personal Property Acquired by Inheritance.)

146-15 Sec. 146-15 Property in Escrow W&IC SECS. 103, 103.5, 103.6, 1521, 1560, 2140, 2141, 2163, 3047, 3075, 3447, 3460
OAS; ANB; APSB; ANC

Funds placed in escrow by the owner or held in an escrow account at the owner's request represent his personal property. Funds placed in escrow by purchaser of real property pending actual conveyance of the property to him are personal property of the buyer but not of the seller until after the transaction has been completed. When all conditions of the sale have been met and title to the real property has passed to the buyer, personal property in the escrow account becomes the property of the seller and shall be considered in determining his eligibility for aid. (See Sec. 132-58, Real Property Held in Escrow.) The fact that the seller may have instructed the escrow agent to withhold the funds is not a basis for eliminating them from consideration in determining his personal property holdings.

147-00 Sec. 147-00 Excess Assets in Personal Property W&IC SECS. 2222, 2223.5

OAS; ANB; APSB; ANC

If at any time a recipient of OAS, ANB, or APSB, or child or children and/or parent or parents in ANC, becomes possessed of personal property in excess of the amount allowed for the particular category of aid, the recipient is responsible for notifying the county immediately. The county shall redetermine eligibility on the basis of present holdings.

If investigation shows past ineligibility, effort shall be made to secure repayment of any aid received during a period of ineligibility. However, in the absence of fraud or concealment of assets upon the part of the recipient, who has received aid to which he was not entitled, the right exists to obtain repayment of aid only to the extent of the largest amount by which his personal property exceeded the maximum for the particular category of aid during the period of ineligibility, but in no event shall repayment be in an amount greater than the aid which he received while possessed of such excess property. (See Sec. 672-25, Reporting of Adjustments, and for limitation on assets in ANB when there is no rehabilitation plan see Sec. 142-05, Limitations on Personal Property.)

147-05 Sec. 147-05 Excess Assets in Personal Property Discovered After Death W&IC SEC. 223
OAS

The provisions relating to excess assets in real property discovered at death set forth in Sec. 138-10, Excess Assets in Real Property Discovered at Death, apply equally in personal property.

Sec. 146-10 Transfer or Assignment of Personal Property W&IC SECS. 103, 103-5, 103-6, 1521, 1560, 146-10
OAS; ANB; APSB; ANC 1506, 2007, 2140, 2163, 2160G, 2007-5, 3006, 3047, 3075, 3405, 3447, 3460, 2007, 2160G

A voluntary transfer or assignment of personal property for purpose of qualifying for aid results in ineligibility for aid. Such transfers may include: 2141

1. A transfer of personal property of a value greater than the maximum set by law.
2. A transfer which reduces the value of the remaining holdings within the maximum set by law.
3. A transfer of income property when there is an affirmative showing that the transfer of such income property was intended by the grantor to qualify him for a greater amount of aid.

The circumstances surrounding a transfer or assignment of personal property falling within any one of the above classifications shall be fully investigated and considered on the basis of the facts in the individual case. General factors to be considered are:

1. The date of transfer in relation to the date of application for aid;
2. The purpose of the transfer (adequacy of consideration received is a fact to be considered in determining motives);
3. Who collects the income, if any, from the property (the title may rest with another for purposes of protection, but the original owner may still be receiving all the benefits accruing from the property);
4. The value of the personal property transferred;
5. The value of the remaining personal property.

Unless there is evidence that the contract is not enforceable, a transfer of personal property, subject to the condition that the donee will provide full support for the donor for the remainder of his life, renders the donor ineligible as he has entered into a contract for life care. When an enforceable contract of this nature provides for less than full support, the amount provided shall be considered income.

The provisions of Secs. 135-85, Transfer of Real Property to Satisfy Debt, 136-00, Notice of Intention to Aid in Transfer of Real Property, 135-72, Transfer of Real Property for Fair Consideration, 135-25, Duration of Ineligibility Due to Transfer of Property, and 136-10, Recipients' Responsibility in Transferring Property, apply likewise to personal property.

A transfer or assignment of personal property of a value less than the maximum set by law shall not render a person ineligible unless there is an affirmative showing that the transfer or assignment was for the purpose of qualifying for aid. There is the presumption that such a transfer or assignment was not made for the purpose of qualifying for aid, which presumption may only be refuted by factual evidence of intent, which establishes beyond a reasonable doubt that the transfer was made for the purpose of qualifying for aid.

A transfer or assignment of income-producing personal property of a value less than the maximum set by law shall not render a person ineligible for aid, provided the net income from such property does not exceed the maximum grant provided by the law unless there is an affirmative showing that the transfer or assignment of such income-producing property was intended by the grantor to qualify him for a greater amount of aid than that to which he would otherwise be entitled. In arriving at the net income from such property, the following shall be taken into consideration:

Interest payments
Insurance
Taxes
Assessments
All other necessary charges and expenses of every kind

170-00 Sec. 170-00 Relatives, Statutory Provisions (Continued)

Old Age Security	Aid to Needy Blind Aid to Partially Self-Supporting Blind Residents	Aid to Needy Children
<p>an order requiring the payment of any sums which may become due in the future for which the relative may be liable. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare. The granting of or continued receipt of aid shall not be contingent upon such recovery. (W. & I. C. 2224.)</p>		
<p>No officer or employee of any county shall make any demand upon any person, other than a legally responsible relative, of any applicant for or recipient of OAS, to contribute a stated amount to the support of the applicant or recipient each month, or to agree so to contribute, or shall threaten any such relative with any legal action against him by or on behalf of the county, or with any penalty whatsoever, unless he agrees so to contribute. (W. & I. C., 2011.)</p>		

Sec. 170-00 Relatives, Statutory Provisions

170-00

Old Age Security	Aid to Needy Blind Aid to Partially Self-Supporting Blind Residents	Aid to Needy Children
A person is eligible, provided he meets all other eligibility requirements, if he is not receiving adequate support from a husband or wife or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be ground for refusing aid. (W. & I. C. 2160-f.)	If any applicant for or recipient of ANB or APSB has residing within the State, a spouse, parent or adult child pecuniarily able to support him, and such relatives fail to perform their duty to support the blind person, the county may request the district attorney, or other civil legal officer of the county to proceed against the kindred in the order of their responsibility for support. (W. & I. C., Secs. 3088, 3474.)	In ANC, the parent or parents of the child are responsible for his support. The parent entitled to the custody of a child must give him support and education suitable to his circumstances. If a father's support of a legitimate child is inadequate, the mother must assist him to the extent of her ability. (C. C., Sec. 196.)
The board of supervisors shall upon receipt of the report of the investigation determine the ability of responsible relatives to contribute to the support of the applicant and designate the amount of aid, if any, to be granted. The maximum degree of liability of the responsible relative shall be determined by "Relatives' Contribution Scale." In determining ability to contribute, the financial circumstances of responsible relatives shall be given due consideration and, in unusual cases, contributions at less than the amount fixed by "Relatives' Contribution Scale" may be made as the board of supervisors may deem justifiable. A married daughter of the applicant shall not be required to make contributions unless she has income constituting her separate property. (W. & I. C. 2181.)	Upon such request, the district attorney, or other civil legal officer of the county granting aid may, on behalf of the county, maintain an action in the superior court of the county granting the aid, against such relatives to recover for the county such portion of the aid granted as the courts find such relative or relatives pecuniarily able to pay, and to secure an order requiring the payment to the county of any sums which may become due in the future for which the relative may be liable.	The father as well as the mother of an illegitimate child must give him support and education suitable to his circumstances. (C. C., 196-a.)
Upon the request of the board of supervisors, the spouse or adult child shall file such sworn statement within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such sworn statement by such spouse or adult child.	The receipt of aid by the applicant shall not be contingent upon such recovery or such order.	The sums so recovered shall be credited by the county in its settlement with the State. (W. & I. C., Secs. 3088, 3474.)
If the person receiving aid has within the State, a spouse or adult child pecuniarily able to support said person, the board of supervisors shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure		

170-10 **Sec. 170-10 Relatives, ANB and APSB Laws** W&IC SECS. 3088, 3474**ANB; APSB**

If any applicant for or recipient of ANB or APSB has residing within the State, a spouse, parent or adult child pecuniarily able to support him, and such relatives fail to perform their duty to support the blind person, the county may request the district attorney, or other civil legal officer of the county to proceed against the kindred in the order of their responsibility for support.

Upon such request, the district attorney or other civil legal officer of the county granting aid may, on behalf of the county, maintain an action in the superior court of the county granting the aid, against such relatives to recover for the county such portion of the aid granted as the courts find such relative or relatives pecuniarily able to pay, and to secure an order requiring the payment to the county of any sums which may become due in the future for which the relative may be liable.

The receipt of aid by the applicant shall not be contingent upon such recovery or such order. The sums so recovered shall be credited by the county in its settlement with the State.

170-15 **Sec. 170-15 Relatives, ANC Law** CIVIL CODE SECS. 196, 196A**ANC**

In ANC, the parent or parents of the child are responsible for his support. The parent entitled to the custody of a child must give him support and education suitable to his circumstances. If a father's support of a legitimate child is inadequate, the mother must assist him to the extent of her ability.

The father as well as the mother of an illegitimate child must give him support and education suitable to his circumstances.

Sec. 170-05 Relatives, OAS Law W&IC SECS. 2011, 2160F, 2181, 2181.01, 2224
OAS

170-05

A person is eligible, provided he meets all other eligibility requirements, if he is not receiving adequate support from a husband or wife or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be ground for refusing aid.

The board of supervisors shall upon receipt of the report of the investigation determine the ability of responsible relatives to contribute to the support of the applicant and designate the amount of aid, if any, to be granted. The maximum degree of liability of the responsible relative shall be determined by "Relatives' Contribution Scale." In determining ability to contribute, the financial circumstances of responsible relatives shall be given due consideration and, in unusual cases, contributions at less than the amount fixed by "Relatives' Contribution Scale" may be made as the board of supervisors may deem justifiable. A married daughter of the applicant shall not be required to make contributions unless she has income constituting her separate property.

No grant of aid shall be withheld pending investigation of the financial condition of responsible relatives, if the applicant has established the fact that he is not receiving support from such relatives.

The board of supervisors shall determine if the applicant or recipient of aid has within the State a spouse or adult child pecuniarily able to contribute to the support of the applicant or recipient of aid. A brief form shall be sent to the relative inquiring whether the relative is in fact contributing and will continue to contribute to the support of the applicant. This form shall be completed by the relative as a sworn statement.

Upon the request of the board of supervisors, the spouse or adult child shall file such sworn statement within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such sworn statement by such spouse or adult child.

If the person receiving aid has within the State, a spouse or adult child pecuniarily able to support said person, the board of supervisors shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare. The granting of or continued receipt of aid shall not be contingent upon such recovery.

No officer or employee of any county shall make any demand upon any person, other than a legally responsible relative, of any applicant for or recipient of OAS, to contribute a stated amount to the support of the applicant or recipient each month, or to agree so to contribute, or shall threaten any such relative with any legal action against him by or on behalf of the county, or with any penalty whatsoever, unless he agrees so to contribute.

be conclusive and binding upon the person declared free from the custody and control of his parents, and, likewise, upon such parents and upon all other persons properly served.

In this situation, the parents no longer have responsibility for the support of their children and the children no longer are responsible for their parents.

The father, as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances.

After adoption the adoptive parents and child shall sustain toward each other the legal relation of parent and child and have all the rights and be subject to all the duties of that relation. A step-parent may legally adopt a child of his spouse by a former marriage in which case he becomes an adoptive parent.

An adult child unable to maintain himself by work is entitled to support from his parents.

If a parent neglects to provide articles necessary for his child, who is under his charge, according to his circumstances, a third person may in good faith supply such necessities and may bring action to recover the reasonable value thereof from the parent.

Regardless of agreements or decrees, the statutory duty of a father to support his child may be enforced during minority. The estate of a child can not be resorted to for his support if the parents are able adequately to perform this duty.

The Penal Code, Section 270, makes the father, or, when he is dead, the mother, criminally liable for wilful failure to support a child. The father is not excused merely by reason of the fact that the mother has custody, or that the mother or anyone else is already supporting the child.

A husband is not bound to maintain his wife's children by a former husband, but if he receives them into his family and supports them, it is presumed that he does so as a parent, and where such is the case, they are not liable to him for their support, nor he to them for their services.

171-30 **Sec. 171-30 Responsibility of Children for Parents** CIVIL CODE SECS. 197, 200, 204, 211, 228, 229, 206; ANC

It is the duty of the father, the mother, and the children of any poor person who is unable to maintain himself by work, to maintain such person to the extent of their ability. The promise of an adult child to pay for necessities previously furnished to such parent is binding.

The adult child shall not be required to contribute to his parents to a degree which will deprive his own children of proper health and education.

171-35 **Sec. 171-35 Responsibility of Married Daughters for Parents** W&IC SEC. 2181
OAS; ANB; APSB

A married daughter has the same legal responsibility as an unmarried daughter or son for the support of a parent or parents, except that a married daughter shall not be required to make contributions unless she has income constituting her separate property. (See Glossary—Community and Separate Property.)

171-40 **Sec. 171-40 Rights and Privileges of Parents of Minor Children** CIVIL CODE SECS. 197, 200, 204, 206, 211, 228, 229, OAS; ANB; APSB; ANC W&IC SECS. 1560, 2140, 2141, 3075, 3460

The father and mother of a legitimate unmarried minor child are equally entitled to his custody, services and earnings. If either parent is dead, or unable or refuses to take the custody, or has abandoned his or her family, the other is entitled to the child's custody, services and earnings.

The mother of an illegitimate unmarried minor is entitled to his custody, services and earnings.

The parents of an adopted child have all the rights and are subject to all the duties of the legal relation of parent and child.

The parent, whether solvent or insolvent, may relinquish to the child the right of controlling him and receiving his earnings. Abandonment by the parent is presumptive evidence of such relinquishment.

A child is emancipated and the authority of the parent ceases upon (1) appointment of a guardian, (2) marriage, (3) attainment of majority.

A parent's right to his minor child's services and earnings may be released and surrendered. Such release, which sets the child free from legal subjection and gives him the right to labor for himself and collect and control his wages is called emancipation.

Sec. 171-00 Definition of Responsible Relatives *WIC SECS. 2181, 2160F, 2224, 3088; CIVIL CODE SECS. 174, 175, 176, 196, 197, 228*

171-00

OAS; ANB; APSB; ANC

Relatives who are liable for the support of another person, because of their relationship to the other person, are legally responsible relatives. The relationship may be the result of a blood tie such as that existing between parents and children, or the result of a contract such as marriage or adoption.

No person is deemed liable for the support of another person until he is first able to maintain himself; e.g., an adult son would not be deemed able to support a father unless he can first provide a living for himself, and, if married, a living for his dependent spouse and minor children. A married daughter shall not be required to make contributions to an applicant or recipient unless she has income constituting her separate property. (See Glossary, Community and Separate Property.)

In OAS, responsible relatives are the spouse and adult children. Responsibility for support of the applicant or recipient rests first with the spouse and then with the adult children. The marriage of an adult child does not relieve him of responsibility for the support of his parents.

In ANB and APSB, responsible relatives are spouse, parent and adult child. They are responsible for the support of the applicant or recipient in the order named. Both married and unmarried adult children are responsible.

In ANC, parents are responsible for the support of their children, and children for the support of their parents.

Minor children are not responsible for the support of their brothers and sisters.

The father and mother of an unmarried minor child are equally entitled to his custody, services and earnings, unless the child has been emancipated by the parents.

Sec. 171-10 Mutual Responsibility of Spouses *CIVIL CODE SECS. 155, 174, 176, 172, 169, WIC SECS. 2160F, 2181, 2224, 3088, 3471*

171-10

OAS; ANB; APSB; ANC

Responsibility for the support of an applicant or recipient rests first with the spouse since husband and wife contract towards each other obligations of mutual respect, fidelity and support.

If the husband neglects to make adequate provision for the support of his wife, except in the cases mentioned below, any other person may, in good faith, supply her with articles necessary for her support and may bring action to recover the reasonable value thereof from the husband.

A husband abandoned by his wife is not liable for her support until she offers to return, unless she was justified in abandoning him by his misconduct. He is not liable for her support when she is living separate from him by agreement unless such support is stipulated in the agreement.

The wife must support the husband, when he has not deserted her, out of her separate property, if he has no separate property, if there is no community property and if he is unable, from infirmity, to support himself.

While it is true that ordinarily the earnings of the wife, while living with her husband, are community property under the control of the husband and, in a strictly legal sense only, subject to his disposition, yet it is permissible for the spouse to enter into an agreement whereby the wife may retain such earnings for the support of herself and dependent children.

Sec. 171-20 Responsibility of Parents for Children *CIVIL CODE SECS. 197, 200, 204, 211, 228, 229, 206
WIC SECS. 1560, 2140, 2141, 3075, 3460*

171-20

ANB; APSB; ANC

The parent entitled to the custody of a child must give him support and education suitable to his circumstances. If the support and education which the father of a legitimate child is able to give is inadequate, the mother must assist him to the extent of her ability.

In actions for divorce, the court may, during the minority of any of the children of the marriage, make such order for the custody, care, education, maintenance and support of such minor children as may seem necessary or proper and may at any time modify or vacate the order.

When a divorce is granted for an offense of the husband, the court may compel him to provide for the maintenance of the children of the marriage. Remarriage of the natural mother shall not affect the father's responsibility to provide for the maintenance of the children of their marriage.

The juvenile court may deprive the parents of the custody and control of a child under 21 years of age, under certain circumstances (See W. & I. C., Sec. 701). Any final order of the court shall

The county may mail Form Ag, Bl 225 to the relative or the relative may be requested to complete it during an interview. To facilitate return of the statement to the proper county office, the county should complete the first section of Form Ag, Bl 225, including the name and address of the county welfare department and the name of the applicant, before the form is forwarded to the relative. After completion by the relative, the signature shall be acknowledged by a properly qualified official.

It shall be the responsibility of the relative to return his sworn statement within 10 days if he is living within the county or within 30 days if living elsewhere within the State. However, if the relative has not returned his sworn statement by the time all other items of eligibility have been established and if the applicant has furnished evidence that he is not receiving support from the relative in question, appropriate action shall be taken on the application by the board of supervisors without further delay.

When Form Ag, Bl 225 is not returned within the time specified, the county record shall show that further effort was made to secure it. This may include:

1. A follow-up letter to the responsible relative. When the letter to the responsible relative is returned because of incorrect address, effort should be made to secure the correct address from the applicant or through other available sources.
2. Interview with the applicant to determine if he can secure the responsible relative's cooperation in completing Form Ag, Bl 225. When interview reveals he cannot secure this cooperation, this information should be recorded in the county case record.
3. Interview with the responsible relative if possible.

When the county is unable to secure information concerning the amount of contribution, if any, or regarding the pecuniary ability of the responsible relative to support, the applicant shall be interviewed on the following points:

1. Amount of contribution now received from the responsible relative.
2. His knowledge, if any, regarding the financial status of the responsible relative.
3. Date of applicant's last contact with responsible relative.
4. Pertinent information concerning family relationships; or attitudes that may prevent county from securing information from responsible relative concerning his pecuniary ability to support.

All efforts made or procedures followed in determining pecuniary ability of responsible relatives to support or in securing support from responsible relatives with pecuniary ability to assist shall be recorded in the county case record.

See Sec. 172-15, Determination Regarding Contributions from Out-of-State Responsible Relatives, for procedure covering investigation of out-of-state relatives.

234-05 Sec. 234-05 Relatives Ability to Support W&IC SECS. 114, 1560

ANC

The ability of the parent or parents to support a child for whom aid is requested, or is being paid, is determined by verification of parents' financial situation. When the parent is not living in the home with child, the parent's ability to support shall be ascertained by verifying his income and determining his living expenses. The amount and frequency of actual contribution made by parent toward child's support shall be verified by interview or correspondence with the parent and the person caring for the child.

When a child lives in the home of non-responsible relatives, the amount of aid requested by the relative for the child is considered in determining the amount of the grant. Evidence in the case record shall show that the financial situation of the relative is such as to assure that the grant of aid will be used entirely for the care of the child. The willingness of the relative to make a contribution in the form of shelter, clothing, etc., shall be determined. Such contribution is voluntary and cannot be required, regardless of the non-responsible relative's resources. Non-responsible relatives with whom the child is not living may be interviewed as they may be a social resource.

his ability or aptitude for the chosen plan and its economic possibilities for future self-support. In making the final determination the county should give full weight to the applicant's or recipient's estimate of the possible success of the plan.

The county shall, with the consent of the applicant or recipient, determine whether a sincere and sustained effort to further his plan has been demonstrated. The investigation will vary with the types of plans. For example when the applicant is employed, the number of hours worked and the wage received shall be verified. When the applicant is in business for himself or is practicing a profession, the county should make a periodic examination of the books and also determine the number of hours spent at the trade or profession. When the applicant is in a trade school or university, the county should ascertain his course of study and the time spent in preparation. In some instances the record of achievement of the applicant is pertinent.

The county shall give any service possible to the applicant or recipient in the furthering of his plan for self-support such as making available to him any community resources for training or placement service.

Some of the most frequently encountered plans for self-support pursued by blind persons are:

1. Regular employment in State industrial workshops;
2. Vocational training under the Bureau of Vocational Rehabilitation of the State Department of Education;
3. Regular attendance at University of California or other institution of higher learning in the State for the purpose of securing an academic degree or certificate of proficiency;
4. Regular attendance at a recognized professional school or trade school;
5. Operation of vending stands;
6. Self-employment in own established business;
7. Regular practice of a profession, such as law, osteopathy, chiropractics, coaching, or private teaching of music;
8. Regular employment for wages or salary;
9. Regular practice of piano tuning, broom making, or other trades.

In ANB, Plan for Rehabilitation (Form Bl 25) signed by the applicant and approved by the county board of supervisors shall be submitted to the SDSW with the application in every case where applicant has cash or securities in excess of \$600. (See Sec. 142-05, Limitations on Personal Property.)

Sec. 234-00 Statement of Responsible Relatives of Applicant W&IC SECS. 2181, 2181.01, 2224, 3075, 3088, 3474 234-00
OAS; ANB; APSB

The Statement of Responsible Relative of Applicant (Form Ag, Bl 225) is used for the following purposes: (1) to determine the amount the relative will actually contribute after aid is granted; (2) to verify the actual contribution at the time of reinvestigation; (3) to provide information to be used in evaluating the circumstances of the relative to determine whether the promised contribution is commensurate with ability; (4) to serve as a guide when the district attorney or other civil legal officer of the county is requested to recover a portion or all of the aid granted. It may be used to verify changes in the contribution as reported by the applicant or relative from time to time.

In OAS inquiry shall be made of all responsible relatives living within the State, except any such relatives who are receiving public assistance, concerning their ability to contribute to the support of the applicant. The use of Form Ag 225 is mandatory in this process. (See Sec. 172-00, Investigation of Responsible Relatives Within State, OAS.)

In ANB and APSB inquiry shall be made of all responsible relatives living within the State, except any such relatives who are receiving public assistance, concerning their ability to contribute to the support of the applicant. The use of Form Bl 225, however, is not mandatory. When a personal interview is substituted for Form Bl 225, the interview shall cover the points set forth on the form. (See Sec. 172-05, Investigation of Responsible Relatives Within State, ANB; APSB.)